



Federal Register

2-11-05

Vol. 70 No. 28

Friday

Feb. 11, 2005

Pages 7165-7378



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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 770

RIN 0560-AG87

Revision of Indian Tribal Land Acquisition Program Loan Regulations

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This rule clarifies the Indian Tribal Land Acquisition Program (ITLAP) regulations for borrowers who apply for a rental value write-down. The rule clarifies the method for determining the rental value of security for purposes of a write-down, adds a definition of "rental value," clarifies other write-down eligibility provisions, and limits new loan eligibility for borrowers who have received a write-down in the past. These clarifications are intended to reduce the borrower's costs of applying for a rental value write-down, and reduce the burden on Agency employees in processing requests.

EFFECTIVE DATE: March 14, 2005.

FOR FURTHER INFORMATION CONTACT: Mel Thompson, Senior Loan Officer, Farm Service Agency; telephone: 202-720-7862; Facsimile: 202-690-1196; E-mail: mel_thompson@wdc.usda.gov. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Discussion of the Final Rule

This rule clarifies the write-down servicing policies of the Farm Service Agency's (FSA) Indian Tribal Land Acquisition Loan Program (ITLAP). The first change it makes is to clarify "rental value" by adding a definition at section

770.2(b). The second change removes the requirement for an appraisal needed to apply for a rental value write-down and replaces it with a market value rent study report prepared by a certified general appraiser. Currently a complete appraisal is required to establish the rental value of the subject property. The appraisal includes a comparable sales approach, an income approach and a cost approach to determine the value of the property. For a rental value write-down, the appraisal is excessive for the determination of the rental value as only the income approach of the appraisal is relevant. Therefore, the appraisal requirement is eliminated and replaced with the requirement for a market value rent study. The market value rent study compares the rental income of properties similar and in the area of the subject property in order to establish the 5-year average rental value of the land purchased with ITLAP funds. This change will reduce the borrower's costs, reduce the appraiser's time required to complete the report, and reduce FSA's application processing time. The third change requires that write-down applicants must establish that the delinquency is beyond their control and cannot be brought current within one year, and that they cannot meet their annual loan payments. These requirements will assure that write-downs are provided to those borrowers faced with circumstances outside their control.

For rental value write-downs, section 770.10(e)(4)(iv) of the existing rule prohibits additional write-downs of the specific ITLAP loan that has received the rental value write-down previously. It also prohibits additional write-downs of the specific loan that has received a land value write-down within the last five years. This limitation is modified in this final rule to preclude an additional rental value write-down of any loan when any loan has previously received a rental value write-down. It also prohibits a write-down of any loan when the borrower has received a land value write-down on any loan within the last five years. This revision limits potential losses on future rental value write-downs.

In addition, the final rule adds a loan eligibility requirement to section 770.3. Since write-downs are the consequence of a borrower's seriously deteriorating financial condition, the rule prohibits

ITLAP loans to borrowers that have received an ITLAP rental value or land value write-down within the last five years. The additional eligibility requirement enables FSA to make more creditworthy loans and decrease the possibility of further Agency losses.

This rule will result in better service and substantial monetary and time savings for borrowers who apply for a write-down based on rental value. In addition, it will increase the protection of the Government from potential loss and reduce the agency official's burden in administering the servicing of the Indian Tribal Land Acquisition Program.

Discussion of Comments on the Proposed Rule

On March 14, 2003, the Farm Service Agency published a Proposed Rule (68 FR 12309) requesting comments regarding proposed changes to ITLAP. One response was received from a Native American Tribe which contained four comments that are addressed as follows:

The first comment states that FSA did not comply with the provisions of Executive Order 13175 (E.O. 13175) and did not consult with this Tribe prior to publishing the Proposed Rule. E.O. 13175 requires that Tribal officials be consulted early in the process of developing regulations that are likely to affect them.

The Agency complied with the requirements of E.O. 13175. The proposed rule resulted from requests for debt write-down and the concern that the appraisal required was too costly. This rule was proposed in part to address that concern. This rule will reduce the cost to apply for a write-down by replacing the appraisal requirement with a rental value market study. To comply further with E.O. 13175, the proposed rule was sent in advance of final Agency approval and publication to all Native American Tribes that have ITLAP loans. The original debt write-down requirements published January 9, 2001, resulted from requests from Tribes for debt relief. This rule results from direct discussions with Tribes after publication of the 2001 rule, consistent with the consultation requirement of 5(b)(2) of E.O. 13175. Thus, the Agency has complied with the requirement in EO 13175 to consult with Tribes on regulation changes.

The second and third comments state that requiring a market study of the rental value of the land purchased with ITLAP funds is still impractical for a Tribe to qualify for a write-down based on rental value. The respondent states that the market study would be required for over 8,000 interests in land acquired with ITLAP funds and the costs would be prohibitive. As an alternative to the Agency's proposed rule, the respondent suggests that the land's rental value be based on the Tribe's ability to make payments on the loan and the past revenue from the land purchased with ITLAP funds.

The Agency must utilize a valid method of valuation of the loan collateral to determine if a write-down of the debt is warranted. An analysis of the value of the land based on its rental value was determined to be the most cost effective solution. A study of the rental market in the subject area performed by a certified general appraiser according to the Uniform Standards for Professional Appraisal Practice (USPAP) meets this requirement. This substantially reduces the cost to the debt write-down applicant by eliminating the full breadth of requirements for a traditional appraisal by focusing only on the rental value of the land. Basing the rental value on actual income from a specific parcel may not be valid if that parcel is poorly managed, not farmed, or rented for less than market rent in the area. The write-down, and subsequently, the loss to the Government, would be more in such case than it would be based on a valid rental market study. Using historical revenues from rent, as proposed by the respondent, could cause the debt on the land to be written off entirely if the borrower simply did not farm or rent that parcel in recent years. Requiring the market rental value study, on which to base rental value, will avoid such a result. Therefore, the comment and the suggested alternative to the Agency's proposal were not adopted.

The fourth comment suggests that FSA authorize certain Agency officials to make an exception to the write-down regulation to avoid appraisal requirements. The respondent asserts that "FSA has exception authority for those programs utilized by non-Indian borrowers and USDA civil rights policies require that Native Americans be treated equitably."

A general exception authority is not necessary to address the problem of appraisals intended to be corrected by this rule. The appraisal requirement is being replaced with a market value rent study requirement. Furthermore, typical

exception authorities used in other farm loan programs are contingent on the proposed action being consistent with statutory authorities and in the best interests of the Government. Given the fact that the Agency receives an assignment of income from the Tribe through the Bureau of Indian Affairs to cover loan payments, the Agency does not believe write-downs other than those specifically authorized by part 770 would ever be in the best interests of the Government. Therefore, the Agency does not adopt the suggestion.

Executive Order 13175

The requirements of Executive Order 13175 have been met with the promulgation of this rule. The rule is the result of consultation with a Tribe applicant for a write-down and all Tribes who currently have an ITLAP loan were sent an advance copy of the proposed rule and requested to comment. The impact of the rule is to reduce the cost to the applicant for a write-down by removing the appraisal requirement and replacing it with a market value rent study. In addition, due to the time typically associated with the completion of an appraisal, the time associated with processing the application is substantially reduced.

Executive Order 12866

This rule has been determined under Executive Order 12866 to be not significant and was not reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601, the Agency has determined that there will be no significant economic impact on a substantial number of small entities. There are currently 25 ITLAP borrowers with 107 loans totaling \$59 million who may be affected by this rule. The RFA requires agencies to consider the impact of their regulatory proposals on small entities, minimize small entity impacts, and provide their analyses for public comment. This rule affects Indian Tribes, and such Tribes are not small businesses as defined by and subject to the Regulatory Flexibility Act. Nevertheless, this rule provides a substantial reduction in cost to the debt write-down applicant. Thus, to the extent an Indian Tribe may be affected by this rule, there are no negative impacts. Further, FSA stated its finding in the proposed rule at 68 FR 12309, March 14, 2003, that the rule will not have a significant economic impact on a substantial number of small entities, and received no comments on this finding.

Environmental Evaluation

The environmental impacts of this rule have been considered in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, the regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), and the FSA regulations for compliance with NEPA, 7 CFR part 1940, subpart G. FSA completed an environmental evaluation and concluded the rule requires no further environmental review.

Executive Order 12988

This rule has been reviewed in accordance with E.O. 12988, Civil Justice Reform. In accordance with that Executive Order: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with 7 CFR parts 11 and 780 must be exhausted before requesting judicial review.

Executive Order 12372

As stated in the Notice related to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) the programs and activities within this rule do not require consultation with state and local officials under the scope of Executive Order 12372.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, requires Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments or the private sector of expenditures of \$100 million or more in any one year. This rule contains no Federal mandates, as defined by title II of the UMRA; therefore, this rule is not subject to sections 202 and 205 of the UMRA.

Executive Order 13132

The policies contained in this rule do not have any substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on state and local governments.

Paperwork Reduction Act

The information collections were previously approved under OMB control number 0560–0198, but the package was retired since there are less than ten respondents annually and the collections are, therefore, not subject to

the Paperwork Burden Act. The number of estimated annual respondents is not increased by this rule and the time burden on respondents is decreased.

Federal Assistance Program

The changes affect the following program listed in the Catalog of Federal Domestic Assistance: 10.421—Indian Tribes and Tribal Corporation Loans.

List of Subjects in 7 CFR Part 770

Agriculture, Credit, Indians, Rural areas, Loan programs.

■ Accordingly, for the reasons stated in the preamble, 7 CFR part 770 is amended as follows:

PART 770—INDIAN TRIBAL LAND ACQUISITION LOANS

■ 1. The authority citation for part 770 continues to read as follows:

Authority: 5 U.S.C. 301, 25 U.S.C. 490.

■ 2. Amend § 770.2 by adding the abbreviation *USPAP* in alphabetical order in paragraph (a) and a definition for *Rental value* in alphabetical order in paragraph (b) to read as follows:

§ 770.2 Abbreviations and definitions.

(a) *Abbreviations.*

* * * * *

USPAP Uniform Standards of Professional Appraisal Practice.

(b) *Definitions.*

* * * * *

Rental value is the potential annual rental income of a parcel of real estate as determined by a market analysis of annual rental incomes of like real estate in the subject property area.

* * * * *

■ 3. Amend § 770.3 by adding paragraph (h) to read as follows:

§ 770.3 Eligibility requirements.

* * * * *

(h) Have not received a write-down as provided in § 770.10(e) within the preceding 5 years.

■ 4. Amend § 770.10 by revising paragraphs (e)(3)(iii) and (e)(3)(iv), adding paragraph (e)(3)(v), revising paragraphs (e)(4)(iii) and (e)(4)(iv) and adding paragraph (e)(4)(v), to read as follows:

§ 770.10 Servicing.

* * * * *

(e) *Debt write-down.*

* * * * *

(3) *Land value write-down.*

* * * * *

(iii) The loan was made more than 5 years prior to the application for land value write-down;

(iv) The loan has not previously been written down under paragraph (e)(4) of this section and has not been written down within the last 5 years under this paragraph, and

(v) The borrower must meet the eligibility requirements of paragraphs (a)(1)(ii) or (iii) of this section.

(4) *Rental value write-down.*

* * * * *

(iii) The borrower provides a current market value rent study report for the land for the preceding 5 years, which identifies the average rental value. The report must be prepared by a certified general appraiser and meet the requirements of USPAP;

(iv) The borrower has not previously received a write-down under this paragraph and has not had a loan written down within the last 5 years under paragraph (e)(3) of this section, and

(v) The borrower must meet the eligibility requirements of paragraph (a)(1)(ii) or (iii) of this section.

* * * * *

Signed in Washington, DC, on January 25, 2005.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 05-2678 Filed 2-10-05; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-SW-23-AD; Amendment 39-13966; AD 2005-03-10]

RIN 2120-AA64

Airworthiness Directives; Bell Helicopter Textron, A Division of Textron Canada Model 222, 222B, 222U and 230 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for Bell Helicopter Textron, A Division of Textron Canada (BHTC) Model 222, 222B, 222U, and 230 helicopters, that currently requires a visual check of each main rotor grip (grip) and pitch horn assembly without disassembling the main rotor hub assembly (hub assembly), and a visual inspection at specified intervals of each affected grip and pitch horn assembly for a crack using a 10-power or higher magnifying glass. If a crack is found, the existing AD

requires replacing each unairworthy grip or pitch horn with an airworthy part before further flight. This amendment requires those same actions, and also requires an additional inspection of the grip and pitch horn assembly for a crack in the disassembled hub assembly, and replacing any cracked part with an airworthy part. This amendment is prompted by the determination that an additional enhanced inspection is needed to ensure the integrity of the hub assembly. The actions specified by this AD are intended to prevent failure of the grip or pitch horn and subsequent loss of control of the helicopter.

DATES: Effective March 18, 2005.

FOR FURTHER INFORMATION CONTACT:

Charles Harrison, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Safety Management Group, Fort Worth, Texas 76193-0110, telephone (817) 222-5128, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

A proposal to amend 14 CFR part 39 by superseding AD 2002-08-54, Amendment 39-12835 (67 FR 50793, August 6, 2002), and a correction published on August 21, 2002 (67 FR 54259), for the specified BHTC model helicopters was published in the **Federal Register** on January 21, 2004 (69 FR 2855). The action proposed to require, before further flight and at specified intervals, visually checking each affected grip and pitch horn for a crack. The action also proposed to require using a 10-power or higher magnifying glass to visually inspect each affected grip and pitch horn for a crack at specified intervals. If a crack is found, the action proposed replacing each unairworthy grip or pitch horn with an airworthy part before further flight.

BHTC has issued Bell Helicopter Textron Alert Service Bulletin No. 222-02-93, Revision A, No. 222U-02-64, Revision A, and 230-02-26, Revision A, all dated March 3, 2003. The service bulletins introduce a daily check and a recurrent 25 hour inspection requirement for grips and pitch horns with more than 1,250 hours since new. In addition, the service bulletins provide inspection instructions for the main rotor grip assemblies and pitch horns. The service bulletins also specify that all main rotor hub assemblies, which have accumulated more than 2,500 hours of operation since new, overhaul, or the last 2,500 hour scheduled inspection, be inspected in accordance with maintenance requirements listed in Chapter 5 of the applicable maintenance manual.

Transport Canada, the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on these helicopter models. They have determined that a newly developed enhanced inspection is required at 2,500 hours air time in service in addition to the daily check and 25 hour visual repetitive inspection to ensure integrity of the components. Transport Canada also advises of the need for repeated daily checks and visual inspections at specified intervals, as well as enhanced inspections at specified intervals, of the grip and pitch horn for a crack until the cause of the premature failures is determined. Transport Canada classified the BHTC alert service bulletins as mandatory and issued AD No. CF-2002-23R1, dated May 7, 2003, to ensure the continued airworthiness of these helicopters.

These helicopter models are type certificated in Canada and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to this bilateral agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

One commenter questioned the accuracy of the statement in the preamble to the NPRM, in which we stated, "These helicopter models are manufactured in Canada and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement." The commenter states that the "proposed AD is not 100% correct." He states that "[t]he 222 models were made in the USA and the 230 helicopters were made in Canada. The type certificate may have been changed to Transport Canada." We agree. However, regardless of where these helicopter models were manufactured, since the type certificates under which they operate in the United States are issued by the FAA based on the current Canadian type certificates for all these models under the provisions of 14 CFR § 21.29 and the applicable bilateral agreement, the location where they were manufactured is of limited importance

for AD purposes. However, we have revised this preamble statement to more accurately reflect their status and removed the reference to the location of their "manufacture."

Also, in our proposal, although we referenced the updated Transport Canada AD, CF-2002-23R1, dated May 7, 2003, in the preamble discussion, we inadvertently referenced the previous Transport Canada AD, CF-2002-23, dated April 2, 2002, in the note at the end of our proposal. We have corrected that reference as well as corrected the "Note" numbering in this final rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require adopting the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that this AD will affect 107 helicopters of U.S. registry, and the actions will take approximately 32 work hours per helicopter to accomplish at an average labor rate of \$65 per work hour. The cost of the main rotor grip is either \$26,226 or \$37,748 and the cost of a pitch horn is either \$6,863 or \$15,281 (2 pitch horns and 2 grips per helicopter). Based on these figures, the total estimated cost impact of the AD on U.S. operators is \$2,080 per helicopter each year or \$222,560 for the entire fleet, and if all parts are replaced, is \$11,570,766, assuming the most expensive grips and pitch horns are required.

Regulatory Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is

contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by removing Amendment 39-12835 (67 FR 50793, August 6, 2002), and by adding a new airworthiness directive (AD), Amendment 39-13966, to read as follows:

2005-03-10 Bell Helicopter Textron, a Division of Textron Canada:
Amendment 39-13966. Docket No. 2003-SW-23-AD. Supersedes AD 2002-08-54, Amendment 39-12835, Docket No. 2002-SW-22-AD.

Applicability: The following model helicopters with the listed part number (P/N) installed, certificated in any category:

Model	With hub assembly P/N	With grip assembly P/N	With pitch horn assembly P/N
(1) 222 or 222B	222-011-101-103, - 105, - 107, or - 109	222-010-104-105	222-011-104-101
	222-012-101-103, or - 107	222-012-104-101	222-012-102-101
(2) 222U	222-011-101-105, - 107, or - 109	222-010-104-105	222-011-104-101
	222-012-101-103, or - 107	222-012-104-101	222-012-102-101
(3) 230	222-012-101-105, or - 109	222-012-104-101	222-012-102-101

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the grip or pitch horn and subsequent loss of control of the helicopter, if either the grip or pitch horn has

accumulated 1,250 or more hours time-in-service (TIS) since initial installation on any helicopter, accomplish the following:

(a) Before further flight and thereafter at intervals not to exceed 8 hours TIS:

(1) Wipe clean the main rotor grip and pitch horn surfaces to remove grease and dirt in the check area as shown in Figure 1 of this AD:

BILLING CODE 4910-13-P

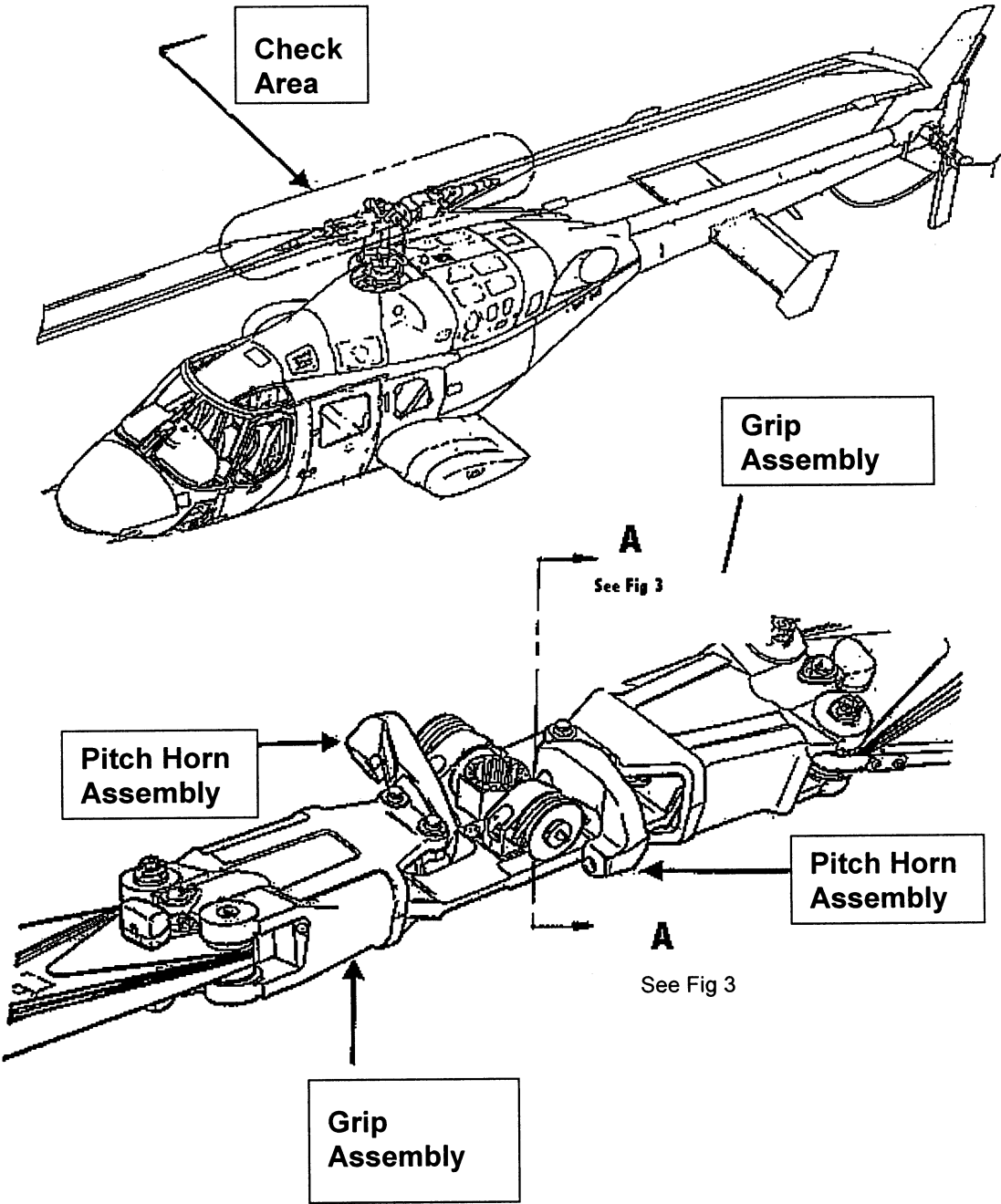
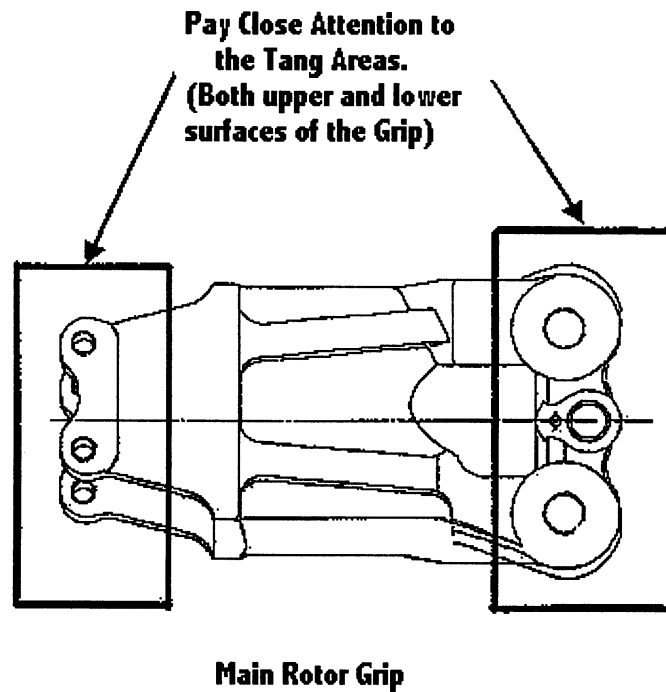


Figure 1

(2) Visually check both main rotor grips for a crack. Pay particular attention to the inboard and outboard tangs portions of the

grip, which are in direct contact with the pitch horns and the main rotor blades and check the area to at least 3 inches beyond the

grip to pitch and grip to blade contact areas as shown in Figure 2 of this AD:



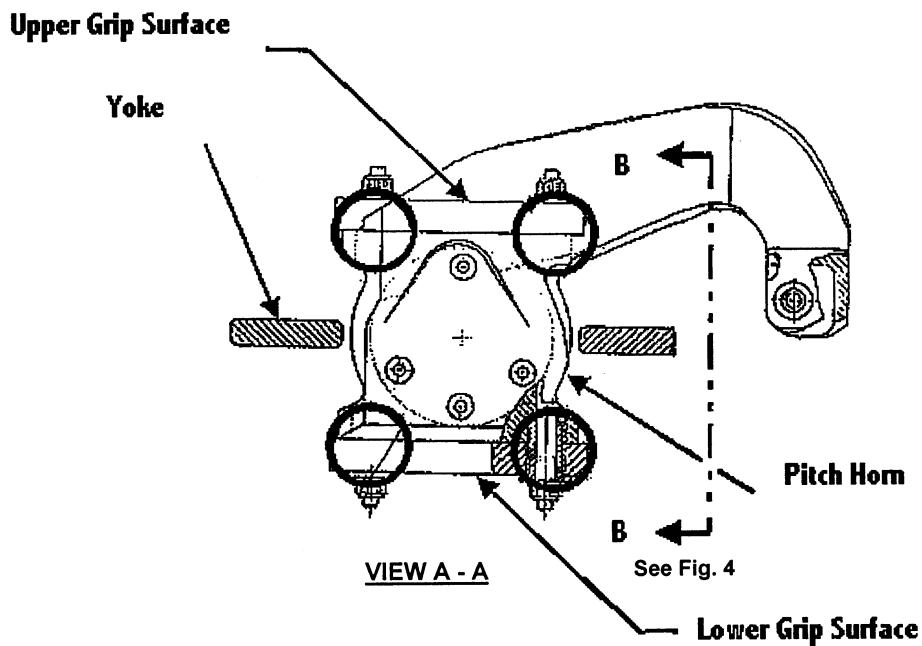
Entire surface of the grip must be checked

Figure 2

(3) Visually check all visible portions of each pitch horn for a crack. Pay particular attention to the attachment lugs of the pitch

horns, which are in direct contact with the inboard tangs of the main rotor grips, as shown in Figure 3 of this AD, and the four

large bolt cutouts, as shown in Figure 4 of this AD:



**View from trunnion
looking outboard**

**All visible portions of the pitch horn must be checked.
Pay particular attention to the circled areas shown above and View B-B, Fig. 4.**

Figure 3

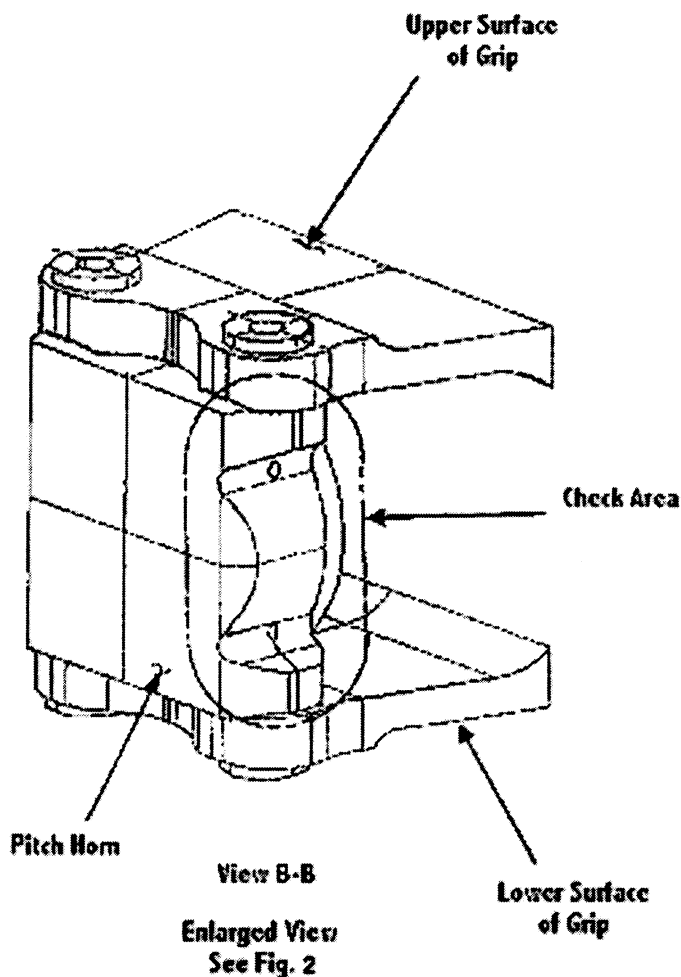


Figure 4

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(4) An owner/operator (pilot) holding at least a private pilot certificate may perform the visual check required by paragraph (a) of this AD. The pilot must enter compliance with this paragraph into the helicopter records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v)).

(b) Within 7 days or 10 hours TIS, whichever occurs first, and thereafter at intervals not to exceed 25 hours TIS, without disassembling the main rotor hub assembly (hub assembly) and using a 10-power or higher magnifying glass, inspect each grip and pitch horn assembly for a crack in accordance with paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(c) Within 300 hours TIS or 6 months, whichever occurs first, for each hub assembly with 2,500 or more and less than 4,500 hours TIS, and within 2,500 hours TIS for each hub assembly with less than 2,500 hours TIS:

(1) Disassemble and clean the main rotor hub assembly.

(2) Inspect the grip and pitch horn assembly using a fluorescent-penetrant inspection method.

(3) Inspect the pitch horn-to-grip attachment bolts and the flapping bearing-to-yoke attachment bolts using a magnetic-particle inspection method. If any of these attachment bolts are made from non-magnetic material, inspect those attachment bolts using a fluorescent-penetrant inspection method.

(4) During reassembly, install new buffers on the pitch horn and flapping bearing assemblies.

(d) If a crack is found, replace the cracked part with an airworthy part before further flight.

Note 1: Bell Helicopter Textron Alert Service Bulletin No. 222-02-93, Revision A, No. 222U-02-64, Revision A, and 230-02-26, Revision A, all dated March 3, 2003, pertain to the subject of this AD.

(e) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

(f) This amendment becomes effective on March 18, 2005.

Note 2: The subject of this AD is addressed in Transport Canada (Canada) AD No. CF-2002-23R1, dated May 7, 2003.

Issued in Fort Worth, Texas, on February 2, 2005.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 05-2609 Filed 2-10-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2004-19446; Directorate Identifier 2004-NM-130-AD; Amendment 39-13967; AD 2005-03-11]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 767 series airplanes. That AD currently requires repetitive detailed and eddy current inspections of the aft pressure bulkhead for damage and cracking, and repair if necessary. This new AD also requires one-time detailed and high frequency eddy current inspections of any "oil-can" located on the aft pressure bulkhead, and related corrective actions if necessary. An "oil-can" is an area on a pressure dome web that moves when pushed from the forward side. This AD is prompted by reports of cracking at "oil-can" boundaries on the aft pressure bulkhead. We are issuing this AD to detect and correct fatigue cracking of the aft pressure bulkhead, which could result in rapid depressurization of the airplane and possible damage or interference with the airplane control systems that penetrate the bulkhead, and consequent loss of controllability of the airplane.

DATES: This AD becomes effective March 18, 2005.

On March 22, 2004 (69 FR 10321, March 5, 2004), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 767-53A0026, Revision 5, dated January 29, 2004.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. You can examine this information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

DOCKET: The AD docket contains the proposed AD, comments, and any final

disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2004-19446; the directorate identifier for this docket is 2004-NM-130-AD.

FOR FURTHER INFORMATION CONTACT: Suzanne Masterson, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6441; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR Part 39) with an AD to supersede AD 2004-05-10, amendment 39-13505 (69 FR 10321, March 5, 2004). The existing AD applies to certain Boeing Model 767 series airplanes. The proposed AD was published in the *Federal Register* on October 26, 2004 (69 FR 62421), to continue to require repetitive detailed and eddy current inspections of the aft pressure bulkhead for damage and cracking, and repair if necessary, and to require one-time detailed and high frequency eddy current inspections of any "oil-can" located on the aft pressure bulkhead, and related corrective actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Clarification of Alternative Methods of Compliance (AMOC) Language in the Proposed AD

We have revised paragraph (I)(3) of the AD to clarify which portions of the AD the previously approved AMOC applies to. We have replaced "* * *" with "this AD." with "* * *" for the corresponding requirements of this AD.

Changes to Delegation Authority

Boeing has received a Delegation Option Authorization (DOA). We have revised this final rule to delegate authority to approve an alternative method of compliance for any repair required by this AD to the Authorized Representative for the Boeing DOA

Organization rather than the Designated Engineering Representative (DER).

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 162 airplanes worldwide of the affected design. This new AD affects about 99 airplanes of U.S. registry.

The actions that are required by AD 2004-05-10 and retained in this new AD take about 22 work hours per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the currently required actions is \$1,430 per airplane, per inspection cycle.

The new actions take about 2 work hours per "oil-can," at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the new actions specified in this new AD for U.S. operators is \$130 per "oil-can." The number of "oil cans" varies per airplane, so an estimate per airplane or for the U.S. registered fleet is not available.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between

the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a "significant regulatory action" under Executive Order 12866;

(2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing amendment 39–13505 (69 FR 10321, March 5, 2004), and by adding the following new airworthiness directive (AD):

2005–NM–03–11 Boeing: Amendment 39–13967. Docket No. FAA–2004–19446; Directorate Identifier 2004–NM–130–AD.

Effective Date

(a) This AD becomes effective March 18, 2005.

Affected ADs

(b) This AD supersedes AD 2004–05–10, amendment 39–13505.

Applicability

(c) This AD applies to Boeing Model 767–200 and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin (ASB) 767–53A0026, Revision 5, dated January 29, 2004.

Unsafe Condition

(d) This AD was prompted by reports of cracking at "oil-can" boundaries on a Boeing Model 747 series airplane's aft pressure bulkhead, which is similar to the aft pressure bulkheads on Boeing Model 767 series

airplanes. We are issuing this AD to detect and correct fatigue cracking of the aft pressure bulkhead, which could result in rapid depressurization of the airplane and possible damage or interference with the airplane control systems that penetrate the bulkhead, and consequent loss of controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Requirements of AD 2004–05–10

Detailed Inspections and Eddy Current Inspections

(f) Perform a detailed inspection for damage and cracking of the aft side of the aft pressure bulkhead and perform high frequency and low frequency eddy current inspections for cracking of the aft pressure bulkhead, in accordance with the Accomplishment Instructions of Boeing ASB 767–53A0026, Revision 5, dated January 29, 2004, at the later of the times specified in paragraph (f)(1) or (f)(2) of this AD. Thereafter, repeat these inspections at intervals not to exceed 1,800 flight cycles.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

(1) Prior to the accumulation of 25,000 total flight cycles, or within 1,800 flight cycles after the most recent inspection done in accordance with AD 88–19–03 R1, amendment 39–6532, whichever occurs later; or

(2) Within 90 days after March 22, 2004 (the effective date of AD 2004–05–10).

Repair Requirements

(g) If any damage or cracking is detected during any inspections required by paragraph (f) of this AD: Before further flight accomplish the requirements of paragraph (g)(1) or (g)(2) of this AD, as applicable:

(1) For repairs within the limits of the Accomplishment Instructions of Boeing ASB 767–53A0026, Revision 5, dated January 29, 2004, repair in accordance with the ASB.

(2) For any repairs outside the limits, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by an Authorized Representative (AR) for the Boeing Delegation Option Authorization (DOA) Organization who has been authorized by the FAA to make those findings. For a repair method to be approved, as required by this paragraph, the approval must specifically reference this AD.

New Requirements of This AD

"Oil-Can" Inspection and Repair

(h) Before the accumulation of 37,500 total flight cycles, or within 1,800 flight cycles after the effective date of this AD, whichever occurs later: Do a one-time detailed and surface high frequency eddy current inspections at all "oil-can" locations of the aft pressure bulkhead web for damage and cracks, in accordance with Figure 4 of the Accomplishment Instructions of the Boeing ASB 767–53A0026, Revision 5, dated January 29, 2004. All "oil-cans" must meet the limits specified in the service bulletin.

Note 2: An "oil-can" is an area on a pressure dome web that moves when pushed from the forward side.

(1) If no damage and no crack are found, no further action is required by this paragraph.

(2) If any damage or crack is found, before further flight, repair in accordance with the service bulletin, except as required by paragraph (i) of this AD.

(3) If any "oil can" does not meet the limits specified in the service bulletin, before further flight, repair the "oil can" in accordance with the service bulletin, except as required by paragraph (i) of this AD.

(i) Where the service bulletin specifies to contact Boeing for repair data, before further flight, repair the damage or crack in accordance with a method approved by the Manager, Seattle ACO, FAA; or in accordance with data meeting the type certification basis of the airplane approved by an AR for the Boeing DOA Organization who has been authorized by the FAA to make those findings. For a repair method to be approved, as required by this paragraph, the approval must specifically reference this AD.

(j) Inspections and repairs accomplished before the effective date of this AD in accordance with Boeing ASB 767–53A0026, Revision 4, dated March 27, 2003, are considered acceptable for compliance with paragraph (h) of this AD.

Determining the Number of Flight Cycles for Compliance Time

(k) For the purposes of calculating the compliance threshold for the actions required by paragraph (f) and (h) of this AD, the number of flight cycles in which cabin differential pressure is at 2.0 pounds per square inch (psi) or less must be counted when determining the number of flight cycles that have occurred on the airplane. Where the service bulletins and this AD differ, the AD prevails.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, Seattle ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an AR for the Boeing DOA Organization who has been authorized by the FAA to make those findings.

(3) Alternative methods of compliance, approved previously in accordance with AD

2004–05–10, are approved as alternative methods of compliance for the corresponding requirements of this AD.

Material Incorporated by Reference

(m) You must use Boeing Alert Service Bulletin 767–53A0026, Revision 5, dated January 29, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register previously approved the incorporation by reference of this document on March 22, 2004 (69 FR 10321, March 5, 2004). For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on January 31, 2005.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 05–2578 Filed 2–10–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9177]

RIN 1545–BC04

Return of Partnership Income

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that authorize the Commissioner to provide exceptions to the requirements of section 6031(a) of the Internal Revenue Code for certain partnerships by guidance published in the Internal Revenue Bulletin. The regulations adopt the rules of the temporary regulations without any changes.

DATES: *Effective Date:* These regulations are effective November 5, 2003.

FOR FURTHER INFORMATION CONTACT: David A. Shulman, (202) 622–3070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On November 10, 2003, the IRS and Treasury published a notice of proposed

rulemaking by cross reference to temporary regulations (REG–115472–03) in the **Federal Register**, and temporary regulations in TD 9094 (68 FR 63733), under section 6031 of the Internal Revenue Code (Code). Written comments and requests for a public hearing were solicited. No public hearing was requested, and no comments were received. Therefore, the proposed regulations under section 6031 are adopted as final regulations without any changes. The temporary regulations are removed.

Explanation of Provisions

The following is a general explanation of the provisions in the final regulations, which are the same as the provisions in the temporary regulations.

The Commissioner may, in published guidance, provide an exception to the reporting requirements of section 6031(a) for partnerships in situations in which all or substantially all of the partnership's income is derived from the holding or disposition of tax-exempt obligations (as defined in section 1275(a)(3) and § 1.1275–1(e)) or shares in a RIC that pays exempt-interest dividends (as defined in section 852(b)(5)). The exception may be conditioned on substitute reporting and eligibility and other requirements. In conjunction with issuance of the temporary regulations, the Commissioner published Rev. Proc. 2003–84 (2003–48 I.R.B. 1159), which provides for an exception to section 6031 for specified eligible partnerships.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. These regulations impose no new collection of information on small entities; therefore a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, the proposed regulations preceding these regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is David A. Shulman of the Office of the Associate Chief Counsel (Passthroughs & Special Industries), IRS. However, other personnel from the IRS

and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by removing the entry for § 1.6031(a)–1T, and revising the entry for § 1.6031(a)–1 to read, in part, as follows:

Authority: 26 U.S.C. 7805. * * *

Section 1.6031(a)–1 also issued under section 404 of the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97–248; 96 Stat. 324, 669) (TEFRA). * * *

■ **Par. 2.** Section 1.6031(a)–1 is amended as follows:

■ **1.** In paragraph (a)(1), the first sentence is amended by removing the language “and § 1.6031(a)–1T” immediately following the language “of this section”.

■ **2.** Paragraphs (a)(3)(ii) and (f) are revised to read as follows:

§ 1.6031(a)–1 Return of partnership income.

(a) * * *

(3) * * *

(ii) The Commissioner may, in guidance published in the Internal Revenue Bulletin (*see* § 601.601(d)(2)(ii)(b) of this chapter), provide for an exception to partnership reporting under section 6031 and for conditions for the exception, if all or substantially all of a partnership's income is derived from the holding or disposition of tax-exempt obligations (as defined in section 1275(a)(3) and § 1.1275–1(e)) or shares in a regulated investment company (as defined in section 851(a)) that pays exempt-interest dividends (as defined in section 852(b)(5)).

* * * * *

(f) *Effective dates.* This section applies to taxable years of a partnership beginning after December 31, 1999, except that—

(1) Paragraph (b)(3) of this section applies to taxable years of a foreign partnership beginning after December 31, 2000; and

(2) Paragraph (a)(3)(ii) of this section applies to taxable years of a partnership beginning on or after November 5, 2003.

§ 1.6031(a)–1T [Removed]

■ **Par. 3.** Section 1.6031(a)–1T is removed.

Mark E. Matthews,
Deputy Commissioner for Services and Enforcement.

Approved: January 26, 2005.

Eric Solomon,

Acting Deputy Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 05–2725 Filed 2–10–05; 8:45 am]

BILLING CODE 4830–01–P

LIBRARY OF CONGRESS**Copyright Office****37 CFR Parts 202**

[Docket No. RM 2004–5]

Reconsideration Procedure

AGENCY: Copyright Office, Library of Congress

ACTION: Final rule; technical amendment.

SUMMARY: This document makes technical amendments to the Copyright Office regulation permitting copyright applicants to request reconsideration of decisions to refuse registration.

DATES: Effective February 11, 2005.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Associate General Counsel, or Sandra Jones, Writer–Editor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024–0400. Telephone (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: On December 28, 2004, the Copyright Office published a final rule concerning reconsideration procedures. This document corrects references to the regulatory cite governing the fees charged copyright applicants for first and second requests for reconsideration.

List of Subjects in 37 CFR Part 202

Claims, Copyright.

Final Rule

■ For the reasons set out in the preamble, 37 CFR part 202 is amended as follows:

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

■ 1. The authority citation for Part 202 continues to read as follows:

Authority: 17 U.S.C. 408, 702.

§ 202.5 [Amended]

■ 2. Amend § 202.5(b)(2) by removing “§ 201.3(d)(4)” and adding “§ 201.3(d)(3)(i)” in its place.

■ 3. Amend § 202.5(c)(2) by removing “§ 201.3(d)(4)” and adding “§ 201.3(d)(3)(ii)” in its place.

Dated: February 8, 2005.

Marilyn J. Kretsinger,
Associate General Counsel.

[FR Doc. 05–2720 Filed 2–10–05; 8:45 am]

BILLING CODE 1410–30–S

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[OPP–2005–0015; FRL–7696–8]

Thiamethoxam; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for combined residues of thiamethoxam and its metabolite, (CGA-322704) in or on artichoke, globe. This action is in response to EPA’s granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on artichoke. This regulation establishes a maximum permissible level for residues of thiamethoxam and its metabolite, (CGA-322704) in this food commodity. The tolerance will expire and is revoked on June 30, 2008.

DATES: This regulation is effective February 11, 2005. Objections and requests for hearings must be received on or before April 12, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VII. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under Docket identification (ID) number OPP–2005–0015. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday

through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT:

Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6463; e-mail address: madden.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions discussed above. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET (<http://www.epa.gov/edocket/>), you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgrstr/>. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408(e) and 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for combined

residues of the insecticide thiamethoxam, 3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine and its metabolite CGA-322704 (N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N''-nitro-guanidine), in or on artichoke, globe at 0.40 parts per million (ppm). This tolerance will expire and is revoked on June 30, 2008. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 of the FFDCA and the new safety standard to other tolerances and exemptions. Section 408(e) of the FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of the FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

Section 18 of the FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by the Food Quality Protection Act of 1996 (FQPA). EPA has established regulations governing such

emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Thiamethoxam on Artichokes and FFDCA Tolerances

The proba bug is a native insect and it normally occurs on coyote brush and *Baccharis pilularis*. It was first reported to cause crop damage to artichokes in 1996 on a localized field of Mulligan Hill Ranch in Castorville, California. The saliva of the proba bug contains phyto-toxins that are the primary cause of plant injury. The injury results in death of leaf tissue. Further, affected stalks are weakened and cannot support bud development causing the bud to drop. Methidathion, which is registered for use on artichokes, is highly effective in controlling proba bug however, its use is restricted to use on the vegetative stage of artichoke. The State has included a restriction not allowing applications of thiamethoxam to the vegetative stage of the plant. Other insecticides registered for use on artichokes have proven ineffective in controlling this pest. EPA has authorized under FIFRA section 18 the use of thiamethoxam on artichoke for control of proba bug in California. After having reviewed the submission, EPA concurs that emergency conditions exist for this State.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of thiamethoxam and its metabolite, (CGA-322704) in or on artichoke. In doing so, EPA considered the safety standard in section 408(b)(2) of the FFDCA, and EPA decided that the necessary tolerance under section 408(l)(6) of the FFDCA would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in section 408(l)(6) of the FFDCA. Although this tolerance will expire and is revoked on June 30, 2008, under section 408(l)(5) of the FFDCA, residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on artichoke after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information

on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions, EPA has not made any decisions about whether thiamethoxam and its metabolite, (CGA-322704) meets EPA's registration requirements for use on artichoke or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of thiamethoxam by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than California to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing FIFRA section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for thiamethoxam, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of thiamethoxam and its metabolite, CGA-32270 and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the FFDCA, for a time-limited tolerance for combined residues of thiamethoxam and its metabolite, (CGA-322704) in or on artichoke, globe at 0.40 ppm.

On January 5, 2005 the Agency published in the **Federal Register** (70 FR 708) (FRL-7689-7), a Final Rule establishing tolerances for combined residues of thiamethoxam and its metabolite in or on legume vegetables, root vegetables (except sugar beet), strawberries, bushberries, junberries, lingonberries, salal, cranberries, spearmint, peppermint, rapeseed, mustard, flax, safflower, crambe, borage, and potatoes. When the Agency conducted risk assessments to determine the potential human health risks from use of thiamethoxam and its

metabolite to support the tolerances on legume vegetables, root vegetables (except sugar beet), strawberries, bushberries, juneberries, lingonberries, salal, cranberries, spearmint, peppermint, rapeseed, mustard, flax, safflower, crambe, borage, and potatoes (PP # 2E6363, 3E6781, 3E6800, 3E6805, 3E6806, 3E6807, 4E6819), these risk assessments also assessed the use of thiamethoxam on artichokes under section 18 of FIFRA. Therefore, establishing the artichoke tolerance will not change the most recent estimated aggregate risks resulting from use of thiamethoxam, as discussed in the January 5, 2005 **Federal Register** (70 FR 708). Refer to the January 5, 2005 **Federal Register** (70 FR 708) document for a detailed discussion of the aggregate risk assessments and determination of safety. EPA relies upon those risk assessments and the findings made in the **Federal Register** document in support of this action. Below is a brief

summary of the aggregate risk assessments.

Acute dietary risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

In conducting the acute dietary risk assessment EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM-FCIDTM), which incorporates food consumption data as reported by respondents in the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII), and accumulated exposure to the chemical for each commodity. For the acute exposure assessments the residues of concern are thiamethoxam and its metabolite (CGA-322704) also known as clothianidin. The assessment for thiamethoxam assumed that 100% of

the registered and proposed crops were treated and that all treated crops and livestock had residues of concern at the tolerance level. The general U.S. population and all population subgroups have exposure and risk estimates which are below the Agency's level of concern (i.e., the aPADs are all below 100%). The most highly exposed subgroup is children 1 to 2 years of age. The exposure estimate for children 1 to 2 years of age is 0.01099 milligram/kilogram (mg/kg)/day, which is equivalent to 11% of the aPAD. In addition, there is potential for acute dietary exposure to thiamethoxam in drinking water. After calculating drinking water levels of comparison (DWLOCs) and comparing them to the estimated environmental concentrations (EECs) for surface water and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in Table 1 of this unit:

TABLE 1.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO THIAMETHOXAM

Population Subgroup	aPAD (mg/kg)	% aPAD/ (Food)	Surface Water EEC/ (ppb)	Ground Water EEC/ (ppb)	Acute DWLOC/ (ppb)
General U.S. population	0.1	4	11.4	5	3400
All infants < 1 year old	0.1	10	11.4	5	900
Children 1–2 years old	0.1	11	11.4	5	890
Females 13–49 years old	0.1	2	11.4	5	2900

In conducting the chronic dietary risk assessment EPA used DEEM-FCIDTM, which incorporates food consumption data as reported by respondents in the USDA 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII), and accumulated exposure to the chemical for each commodity. For the chronic exposure assessments the residues of concern are thiamethoxam and its metabolite clothianidin. The chronic analysis for thiamethoxam was based on anticipated

residues in the form of average field trial residue values, and the analysis included percent crop estimates. The general U.S. population and all population subgroups have exposure and risk estimates which are below the Agency's level of concern (i.e., the cPADs are all below 100%). The most highly exposed subgroup is children 1 to 2 years of age. The exposure estimate for children 1 to 2 years of age is 0.000103 mg/kg/day, which is equivalent to 17% of the cPAD. There

are no residential uses for thiamethoxam that result in chronic residential exposure. In addition, there is potential for chronic dietary exposure to thiamethoxam in drinking water. After calculating DWLOCs and comparing them to the EECs for surface water and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in Table 2 of this unit:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO THIAMETHOXAM

Population/Subgroup	cPAD/mg/ kg/day	%/cPAD/ (Food)	Surface Water EEC/ (ppb)	Ground/ Water EEC/ (ppb)	Chronic/ DWLOC (ppb)
U.S. Population	0.0006	6	0.77	1.94	20
All infants < 1 year old	0.0006	11	0.77	1.94	5.4
Children 1–2 years old	0.0006	17	0.77	1.94	5
Females 13–49 years old	0.0006	5	0.77	1.94	17

Short-term and intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Thiamethoxam is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

Thiamethoxam has been classified as a likely carcinogen for humans based on increased incidence of hepatocellular adenomas and carcinomas in male and female mice. Quantification of risk based on most potent unit risk: Male mouse liver adenoma and/or carcinoma combined tumor rate. The upper bound estimate of unit risk, $Q1^* \text{ (mg/kg/day)}^{-1}$

is 3.77×10^{-2} in human equivalents. The residue of concern for the cancer analysis is thiamethoxam, per se. The residues of its metabolite clothianidin were removed from the cancer analysis because the metabolite was found to be "not likely to be carcinogenic to humans" when it was evaluated as an active ingredient. The cancer analysis was based on average field trial residue values as well as percent crop treated estimates. The estimated dietary exposure to the U.S. population is 0.000263 mg/kg/day. In conducting the aggregate cancer risk assessment, only dietary and drinking water pathways of exposure were considered. At this time, there are no uses for thiamethoxam that would result in any non-occupational, non-dietary exposure (i.e., there are no

dermal or inhalation routes of exposure that should be included in an aggregate assessment). A DWLOC was derived for the general U.S. population based on EPA's level of concern for cancer or a risk in the range of 1 in 1 million. The DWLOC is compared to the estimated environmental concentrations of thiamethoxam in surface water and ground water and is used to determine whether or not aggregate cancer exposures are likely to result in risk estimates that exceed EPA's level of concern. Table 3 of this unit summarizes the drinking water estimated concentrations of thiamethoxam in surface water and ground water and the associated DWLOC for cancer:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CANCER EXPOSURE TO THIAMETHOXAM

Population/Subgroup	Maximum/ Exposure/ mg/kg/day	Food/Expo- sure/mg/kg/ day	Maximum/ Water/Expo- sure/mg/kg/ day	Cancer/ DWLOC/ ppb	Ground/ Water/EEC/ ppb	Surface/ Water/EEC/ ppb
General U.S. population	7.96×10^{-5}	7.96×10^{-5}	7.96×10^{-5}	1.87	1.94	0.31

For cancer, the DWLOC is slightly less than the ground water EEC. However, the cancer DWLOC is based on a conservative estimate of dietary exposure. Available information from actual prospective ground water monitoring data demonstrates that actual thiamethoxam residues in groundwater occur at or below 0.05 ppb. This interim analysis suggests that actual long-term residues of thiamethoxam in ground water will be significantly less than the levels predicted by the screening concentration in ground water (SCIGROW) model. A significant decrease in the level of thiamethoxam in drinking water results in an aggregate risk estimate that is unlikely to exceed EPA's level of concern for cancer. Further, the DWLOC numerical computation was done using a cancer risk figure of 1 in 1 million although EPA has repeatedly found that risk figures marginally higher than 1 in 1 million fall within the range of a 1 in 1 million risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to thiamethoxam residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (aqueous acetonitrile solvent extraction, liquid-liquid partitioning and solid-phase extraction cleanup, and high pressure liquid concentration/ultraviolet (HPLC/UV) analysis) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are no international residue limits for thiamethoxam.

VI. Conclusion

Therefore, the tolerance is established for combined residues of thiamethoxam, 3-[(2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine and its metabolite (N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N''-nitro-guanidine), in or on artichoke, globe art at 0.40 ppm.

VII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA

procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP-2005-0015 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 12, 2005.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR

178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564-6255.

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by the docket ID number OPP-2005-0015, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue

of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VIII. Statutory and Executive Order Reviews

This final rule establishes a time-limited tolerance under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 exemption under section 408 of the FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States,

or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

IX. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection,
Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 30, 2005.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.565 is amended by alphabetically adding the commodity "Artichoke" to the table in paragraph (b) to read as follows:

§ 180.565 Thiamethoxam; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/revocation date
Artichoke, globe	0.40	6/30/08

* * * * *

[FR Doc. 05-2715 Filed 2-10-05; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7871-9]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "the Act"), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List ("NPL") constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency ("EPA" or "the Agency") in determining which sites warrant further investigation. These further investigations will allow EPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds one new site to the NPL Federal Facilities Section.

EFFECTIVE DATE: The effective date for this amendment to the NCP shall be March 14, 2005.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see section II, "Availability of Information to the Public" in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT:

Terry Jeng, phone (703) 603-8852, State, Tribal and Site Identification Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mail Code 5204G), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or the Superfund Hotline, phone (800) 424-9346 or (703) 412-9810 in the Washington, DC, metropolitan area.

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I. Background

A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (“CERCLA” or “the Act”), in response to the dangers of uncontrolled releases or threatened releases of hazardous substances and releases or substantial threats of releases into the environment of any pollutant or contaminant which may present an imminent or substantial danger to the public health or welfare. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (“SARA”), Public Law 99–499, 100 Stat. 1613 *et seq.* As part of SARA, Congress created the Defense Environmental Restoration Program (DERP), 10 U.S.C. 2701, *et seq.*, which authorized the Secretary of Defense to carry out restoration activities on current and former military facilities. Under Executive Order 12580, the Secretary of Defense exercises the President’s authority under sections 104(a), (b) and (c)(4), 113(k), 117(a) and (c), 119, and 121 of CERCLA with respect to releases or threatened releases where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of the Department of Defense (DoD). The Secretary of Defense has delegated this authority to the Secretary of the Navy for sites the Department of the Navy controlled after 1986, which includes both the eastern and western portions of Vieques. The U.S. Army, through the U.S. Army Corps of Engineers (USACE), executes DERP’s Formerly Used Defense Sites (FUDS) Program in accordance with CERCLA and the National Contingency Plan (NCP), and is authorized under this program to conduct investigation and response actions relating to areas on Culebra that were once under Defense jurisdiction.

B. What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, or releases or substantial threats of releases into the environment of any pollutant or contaminant which may present an imminent or substantial danger to the public health or welfare. EPA has

revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes “criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.” (“Removal” actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases of hazardous substances, pollutants or contaminants (42 U.S.C. 9601(23)).

C. What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of “releases” and the highest priority “facilities” and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA (the “General Superfund Section”), and one of sites that are owned or operated by other Federal agencies (the “Federal Facilities Section”). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other Federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing a Hazard Ranking System (HRS) score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities

Section sites, and its role at such sites is accordingly less extensive than at other sites.

D. How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (*see* 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (“HRS”), which EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL. This listing proposal is not based on scoring pursuant to the HRS; (2) Pursuant to 42 U.S.C. 9605(a)(8)(B), each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (*see* 42 U.S.C. 9605(a)(8)(B)). This is the option chosen by Puerto Rico for the Vieques and Culebra areas addressed in this listing proposal; (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on September 23, 2004 (69 FR 56949).

In addition, as a matter of policy, EPA may defer sites or portions of sites from the NPL. (*See, e.g.*, 56 FR 5601–5602,

see also "Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions," OSWER Directive 9375.6-11.)

E. What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the "Superfund") only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). ("Remedial actions" are those "consistent with permanent remedy, taken instead of or in addition to removal actions * * *." 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL "does not imply that monies will be expended." EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws. Response activities undertaken by DoD components pursuant to DERP receive their funding from specific environmental restoration accounts under 10 U.S.C. 2703, not from the Trust Fund.

F. Does the NPL Define Boundaries of Sites?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA "facility" is broadly defined to include any area where a hazardous substance has "come to be located" (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis. Because Puerto Rico is adding certain areas on and around Vieques and Culebra as the Commonwealth's "single highest priority facility" pursuant to 42 U.S.C. 9605(a)(8)(B), no HRS analysis is applicable to this listing.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the "boundaries" of the site. Rather, the site consists of all contaminated areas within the area used

to identify the site, as well as any other location to which that contamination has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the "Jones Co. plant site") in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the "site"). The "site" is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the name "Jones Co. plant site," does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the "nature and extent of the problem presented by the release" will be determined by a Remedial Investigation/Feasibility Study (RI/FS) as more information is developed on site contamination (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination "has come to be located" before all necessary studies and remedial work are completed at a site. Indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate. As of January 10, 2005, the Agency has deleted 292 sites from the NPL.

H. May EPA Delete Portions of Sites From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of January 10, 2005, EPA has deleted 48 portions of 40 sites.

I. What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list ("CCL") to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or (3) the site qualifies for deletion from the NPL.

As of January 10, 2005, there are a total of 927 sites on the CCL. For the most up-to-date information on the CCL, see EPA's Internet site at <http://www.epa.gov/superfund>.

II. Availability of Information to the Public

A. May I Review the Documents Relevant to This Final Rule?

Yes, documents that form the basis for evaluations by EPA concerning the site in this rule are contained in public dockets located both at EPA Headquarters in Washington, DC and in the Region 2 office in New York City.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "Quick Search," then key in the appropriate docket identification number; SFUND-2004-0011. (Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facilities identified below in section II. C.)

B. What Documents Are Available for Public Review at the Headquarters and Region 2 Dockets?

The Headquarters and Region 2 dockets for this rule contain: The June 13, 2003 letter from Governor Sila M. Calderon of Puerto Rico designating certain areas on and around Vieques and Culebra, identified by the Governor as AFWTA, as her highest priority facility and requesting listing of AFWTA on the NPL; additional letters from Puerto Rico clarifying the June 13, 2003 letter; maps; ecological information for Vieques and Culebra; Corps of Engineers Archive search for Culebra; and Navy supporting material.

The Headquarters and Region 2 dockets also contain comments received, and the Agency's responses to those comments. The Agency's responses are contained in the "Support Document for the Revised National Priorities List Final Rule—February 2005". An electronic version is available at <http://www.epa.gov/edocket/> using the docket identification number SFUND-2004-0011.

C. How Do I Access the Documents?

You may view the documents, by appointment only, after the publication of this rule. The hours of operation for the Headquarters docket are from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

Following is the contact information for the EPA Headquarters: Docket

Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1301 Constitution Avenue; EPA West, Room B102, Washington, DC 20004; 202/566-0276.

The contact information for the Region 2 docket is as follows: Dennis Munhall, U.S. EPA Region 2, 290 Broadway, New York, NY 10007-1866; 212/637-4343; munhall.dennis@epa.gov.

D. How May I Obtain a Current List of NPL Sites?

You may obtain a current list of NPL sites via the Internet at <http://www.epa.gov/superfund/> (look under the Superfund sites category) or by contacting the Superfund Docket (see contact information above).

III. Contents of This Final Rule

A. Addition to the NPL

This final rule adds the Vieques portion of the Atlantic Fleet Weapons Training Area (AFWTA) to the Federal Facilities section of the NPL.

Pursuant to section 105(a)(8)(B) of CERCLA, Puerto Rico requested that EPA list certain areas on and around Vieques and Culebra, identified by the Governor as the AFWTA, on the NPL. The AFWTA includes certain land areas, waters and keys in and around the islands of Vieques and Culebra where military exercises carried out primarily by the Department of Defense have potentially left CERCLA hazardous substances, pollutants or contaminants.

Section 105(a)(8)(B) of CERCLA provides that the NPL "to the extent practicable, shall include among the one hundred highest priority facilities one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. A State shall be allowed to designate its highest priority facility only once." In a letter from Governor Sila M. Calderon to former EPA Administrator Christine Todd Whitman, dated June 13, 2003, Puerto Rico designated the AFWTA, comprising certain areas of concern in and around Vieques and Culebra as the Commonwealth's single highest priority facility ("State pick") and requested that EPA list the AFWTA on the NPL. Puerto Rico clarified its designation in letters dated October 21, 2003, and July 28, 2004, with respect to both Vieques and Culebra, and May 26, 2004, with respect to Vieques. On August 13, 2004, EPA proposed to add AFWTA to the NPL which initiated a 60 day public

comment period. During this time, EPA and the Government of Puerto Rico held four public information sessions in Puerto Rico, including sessions on the islands of Vieques and Culebra. In the Rule proposing AFWTA to the NPL, EPA sought comment on treating the noncontiguous islands of Vieques and Culebra as one facility considering court decisions such as *Mead Corp. v. Browner*, 100 F.3d. 152 (D.C. Cir. 1996). The *Mead* court rejected EPA's attempt to treat non-contiguous sites as one NPL site in a case in which one of the sites qualified for listing on the basis of an ATSDR advisory. The only rationale presented for combining the two sites for the purposes of the listing was that there were joint operations carried out at the two sites. In the *Mead* case, EPA had relied on a 1984 aggregation policy (49 FR 37070 (September 21, 1984)) that was premised on language in section 104(d)(4) of CERCLA which authorizes EPA to treat non-contiguous facilities as one for purposes of section 104. EPA no longer relies on the 1984 aggregation policy in the listing context.

EPA also solicited comment on an approach that would separate the final listing decision for Culebra from the final listing decision for Vieques. Under such an approach, EPA would go forward with a final rule listing on Vieques and postpone the final listing decision of Culebra to allow the completion of a Memorandum of Agreement between Puerto Rico and Army. The Memorandum of Agreement would govern the response actions necessary to protect Culebra's human health and environment. The terms or progress under such agreement may determine the point at which it may be appropriate to withdraw the proposal to list the Culebra areas.

The Culebra portions of the proposal consist of land and water areas identified by Puerto Rico that were owned by, leased to, or otherwise utilized by the United States and under the jurisdiction of the Secretary of Defense that potentially contain CERCLA hazardous substances, pollutants or contaminants left from past military activities. These land areas and associated water areas include, but are not limited to, the following: The Flamenco Peninsula (Northwest Peninsula), Alcarraza Cay (Fungy Bowl), Los Gemelos (Twin Rocks), Cayo del Agua, Culebrita, Cayos Geniqui (Palada Cays), Cayo Tiburon (Shark Cay), Cayo Botella (Ladrone Cay), and a former mortar range Area in Culebra's Cerro Balcon region. Vieques includes all areas agreed to by Puerto Rico and the Navy in a May 26, 2004, letter to EPA, and that potentially contain CERCLA

hazardous substances, pollutants or contaminants left from past military activities. For more detailed information on the Vieques portions, please refer to the May 26, 2004, letter with attached maps in the Docket (Docket ID No. SFUND-2004-0011). The description of the facility may change as more information is gathered on the nature and extent of contamination.

This Rule adds the Vieques portions of AFWTA to the NPL. At this time, due to the pending negotiations between the Commonwealth of Puerto Rico and the Army, EPA has elected to take no action on the final listing decision for Culebra, including on whether Vieques and Culebra can be treated as one facility in light of court decisions such as *Mead*. On October 28, 2004, Raymond J. Fatz, Deputy Assistant Secretary of the Army, and Esteban Mujica-Cotto, President of the Environmental Quality Board of the Commonwealth of Puerto Rico, signed a Preliminary Points of Agreement document to facilitate current and future discussions regarding environmental activities on Culebra that were included in the AFWTA proposal. This preliminary agreement is anticipated to result in a Memorandum of Agreement (MOA) between the Commonwealth and the Department of the Army which will govern the process for further investigation and cleanup of the Culebra. The foregoing approach was described in the NPL proposed **Federal Register** document (69 FR 50115).

B. Status of NPL

With today's addition, the NPL now contains 1,237 sites; 1,079 in the General Superfund Section and 158 in the Federal Facilities Section. In addition, there are now 68 sites proposed and awaiting final agency action, 61 in the General Superfund Section and seven in the Federal Facilities Section. Final and proposed sites now total 1,305. (These numbers reflect the status of sites as of January 10, 2005. Site deletions occurring after this date may affect these numbers at time of publication in the **Federal Register**.)

C. What Did EPA Do With the Public Comments It Received?

The Atlantic Fleet Weapons Training Area (AFWTA) was proposed to the NPL on August 13, 2004 (69 FR 50115). EPA received over 2,400 comments relating to the proposal of AFWTA to the NPL. Of these comments, approximately 99% were in favor of the NPL designation for AFWTA.

EPA responded to all relevant comments received on this site and

EPA's responses to the site-specific comments are addressed in the "Support Document for the Revised National Priorities List Final Rule—February 2005." The comments and the support document are contained in the Headquarters and Region 2 Dockets and are also listed in EPA's electronic public docket and comment system at <http://www.epa.gov/edocket/> using the SFUND-2004-0011 identification number. This information is also available in repositories in San Juan, Vieques, and Culebra Puerto Rico.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

1. What Is Executive Order 12866?

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

2. Is This Final Rule Subject to Executive Order 12866 Review?

No. The listing of sites on the NPL does not impose any obligations on any entities. The listing does not set standards or a regulatory regime and imposes no liability or costs. Any liability under CERCLA exists irrespective of whether a site is listed. It has been determined that this action is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

1. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070-0012 (EPA ICR No. 574).

2. Does the Paperwork Reduction Act Apply to This Final Rule?

No. EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

C. Regulatory Flexibility Act

1. What Is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

2. How Has EPA Complied With the Regulatory Flexibility Act?

This rule which adds a site to the NPL, does not impose any obligations on any group, including small entities. This rule also establishes no standards or requirements that any small entity must meet, and imposes no direct costs on any small entity. Whether an entity, small or otherwise, is liable for response costs for a release or threatened release

of hazardous substances and releases or substantial threats of releases into the environment of any pollutant or contaminant which may present an imminent or substantial danger to the public health or welfare depends on whether that entity is liable under CERCLA 107(a). Any such liability exists regardless of whether the site is listed on the NPL through this rulemaking. Thus, this rule does not impose any requirements on any small entities. For the foregoing reasons, I certify that this final rule does not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

1. What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising

small governments on compliance with the regulatory requirements.

2. Does UMRA Apply to This Final Rule?

No, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments in the aggregate, or by the private sector in any one year. This rule will not impose any Federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA or other Federal agencies or private parties will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding \$100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

E. Executive Order 13132: Federalism

What Is Executive Order 13132 and Is It Applicable to This Final Rule?

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a

regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule does not have federalism implications. It will not have substantial direct effects on the States (including the Commonwealth of Puerto Rico), on the relationship between the Federal government and the States and the Commonwealth, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

1. What Is Executive Order 13175?

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

2. Does Executive Order 13175 Apply to This Final Rule?

This rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

1. What Is Executive Order 13045?

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an

environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

2. Does Executive Order 13045 Apply to This Final Rule?

This final rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this rule present a disproportionate risk to children.

H. Executive Order 13211

1. What Is Executive Order 13211?

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)), requires EPA to prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for certain actions identified as "significant energy actions." Section 4(b) of Executive Order 13211 defines "significant energy actions" as "any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action."

2. Is This Rule Subject to Executive Order 13211?

This final rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866. (See discussion of Executive Order 12866 above.)

I. National Technology Transfer and Advancement Act

1. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

2. Does the National Technology Transfer and Advancement Act Apply to This Final Rule?

No. This final rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Possible Changes to the Effective Date of the Rule

1. Has EPA Submitted This Rule to Congress and the General Accounting Office?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A "major rule" cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

2. Could the Effective Date of This Final Rule Change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation. Under the CRA, 5 U.S.C. 801(a), before a rule can take effect the Federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller

General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded Federal requirements imposed on State and local governments and the private sector), and any other relevant information or requirements and any relevant Executive Orders.

EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this document, since it is not a major rule. Section 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in: an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

3. What Could Cause a Change in the Effective Date of This Rule?

Under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS v. Chadha*, 462 U.S. 919, 103 S. Ct. 2764 (1983) and *Bd. of Regents of the University of Washington v. EPA*, 86 F.3d 1214, 1222

(D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives. If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous

substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: February 7, 2005.

Barry N. Breen,

*Principal Deputy Assistant Administrator,
Office of Solid Waste and Emergency
Response.*

■ 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

■ 2. Table 2 of Appendix B to part 300 is amended by adding the following facility to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 2.—FEDERAL FACILITIES SECTION

State	Site name	City/County	Notes(a)
PR	Atlantic Fleet Weapons Training Area—Vieques	Island of Vieques ¹	S

¹ Only the Vieques portions of the AFWTA are included in Appendix B to Part 300, the National Priorities List. The Culebra portions of the AFWTA (that were included in the NPL proposal AFWTA on August 13, 2004) are not included at this time due to ongoing negotiations between the Commonwealth of Puerto Rico and the Department of the Army.

Notes:

A = Based on issuance of health advisory by Agency for Toxic Substance and Disease Registry (if scored, HRS score need not be 28.50).

C = Sites on Construction Completion list.

S = State top priority (included among the 100 top priority sites regardless of score).

P = Sites with partial deletion(s).

* * * * *

[FR Doc. 05–2711 Filed 2–10–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–75; MB Docket No. 04–368, RM–11067; MB Docket No. 04–369, RM–11068]

Radio Broadcasting Services; Alamogordo, New Mexico and Grayville, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Linda A. Davidson, allots Channel 229A at Grayville, Illinois, as the community's first local service. See 69 FR 60344, published October 8, 2004. Channel 229A can be allotted to Grayville in compliance with the Commission's minimum distance separation requirements, provided there is a site restriction of 13.0 kilometers (8.1 miles) northwest of the community. The reference coordinates for Channel 229A at Grayville are 38–21–56 North Latitude and 88–03–38 West Longitude. The Audio Division, at the request of Daniel R. Feely, allots Channel 240C2 at Alamogordo, New Mexico, as the

community's fifth local service. See 69 FR 60344, published October 8, 2004. Channel 240C2 can be allotted to Alamogordo in compliance with the Commission's minimum distance separation requirements, provided there is a site restriction of 10.4 kilometers (6.5 miles) southeast of the community. The reference coordinates for Channel 240C2 at Alamogordo are 32–49–04 North Latitude and 105–54–19 West Longitude. Because the reference coordinates at Alamogordo are located within 320 kilometers (200 miles) of the Mexican border, concurrence of the Mexican Government has been obtained. Filing windows for Channel 229A at Grayville, Illinois and Channel 240C2 at Alamogordo, New Mexico will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

DATES: Effective March 14, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau, (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 04–368 and 04–369, adopted January 26, 2005, and released January 28, 2005. The full text of this Commission decision is available

for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Grayville, Channel 229A.

■ 3. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 240C2 at Alamogordo.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-2685 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 041208344-4344-01; I.D. 012605A]

RIN 0648-AR59

Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues final specifications for the 2005 Atlantic Deep-Sea Red Crab (red crab) fishery, which are the same as specifications for the 2004 fishery. The target total allowable catch (TAC) and fleet days at sea (DAS) for fishing year (FY) 2005 is 5.928 million lb (2.69 million kg) and 780 fleet DAS, respectively. Accordingly, since one qualified limited access vessel has opted out of the fishery for FY2005, the four remaining vessels are each allocated 195 DAS. The intent of the specifications is to conserve and manage the red crab resource and provide for a sustainable fishery.

DATES: This rule is effective from March 1, 2005, through February 28, 2006.

ADDRESSES: Copies of supporting documents, including the Stock Assessment and Fishery Evaluation (SAFE) Report, Environmental Assessment (EA), and the Regulatory Impact Review (RIR) for the 2005 Red Crab Fishing Year are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The SAFE Report/EA/RIR is also accessible via the Internet at <http://www.nero.nmfs.gov>.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, (978) 281-9272.

SUPPLEMENTARY INFORMATION: This final rule implements the final specifications for the FY2005 red crab fishery. Regulations implementing the Atlantic

Deep-Sea Red Crab Fishery Management Plan (FMP) require the New England Fishery Management Council (Council) to review annually the red crab specifications. The Council's Red Crab Plan Development Team (PDT) meets at least annually to review the status of the stock and the fishery. Based on this review, the PDT reports to the Council's Red Crab Committee any necessary adjustments to the management measures and recommendations for the specifications. Specifications may include the specification of optimum yield (OY), the setting of a target TAC, allocation of DAS, and/or adjustments to trip/possession limits. In developing the management measures and recommendations for the annual specifications, the PDT reviews the following data, if available: commercial catch data; current estimates of fishing mortality and catch-per-unit-effort; stock status; recent estimates of recruitment; virtual population analysis results and other estimates of stock size; sea sampling, port sampling, and survey data or, if sea sampling data are unavailable, length frequency information from port sampling and/or surveys; impact of other fisheries on the mortality of red crabs; and any other relevant information. Recommended specifications are presented to the Council for adoption and recommendation to NMFS.

Final 2005 Specifications

Based on available biological information, the Council has recommended that the maximum sustainable yield (MSY) and OY for FY2005 should remain the same as in FY2004. The FMP defines the target TAC as equal to OY, and OY is set at 95 percent of MSY, unless adjusted through the annual specifications process. The MSY for FY2005 is still estimated to be 6.24 million lb (2.83 million kg); therefore, absent any new information on which to base a change in OY, OY and the target TAC remain 5.928 million lb (2.69 million kg).

According to the DAS database, four of the five vessels that received a limited access permit in FY2003 used a total of 571 days; 73 percent of the full 780 DAS that were allocated (the fifth vessel did not fish in FY2003). That amount of fishing effort resulted in 4.09 million lb (1.86 million kg) of red crab landed by the limited access fleet.

The fleet was allocated 780 DAS for FY2004 and, because one of the limited access vessels had opted out of the fishery, this translated into 195 DAS for each of the four participating limited access vessels. FY2004 began on March 1, 2004, and, as of January 1, 2005, the

participating limited access vessels had used 592 DAS and landed 3.32 million lb (1.51 million kg) of red crab.

There seems to be some seasonal variability in fishing activity, but data collection under the FMP has not been implemented long enough to evaluate seasonal trends accurately at this time. As of January 1, 2005, all four of the vessels with limited access permits that did not declare out of the fishery had DAS remaining for FY2004.

In addition to the vessels with limited access permits, there are about 1,234 vessels with open access incidental take red crab permits. These open access incidental take permits allow a vessel to land up to 500 lb (226.8 kg) of whole red crab per trip. According to the Vessel Trip Report database, only two vessels with incidental red crab permits reported any red crab landings and both were very small amounts.

While limited data from the observer database and monkfish industry-based surveys indicate that red crab bycatch occurs in the groundfish and monkfish fisheries, there is not sufficient information to date to determine the level of bycatch of red crabs.

Based on the Council's analysis in its 2005 Red Crab SAFE Report/EA/RIR, the Council recommended that the current FY2004 specifications be maintained for FY2005. NMFS concurs that the Council's recommended specifications meet the objectives of the FMP and, therefore, the following specifications are maintained for FY2005:

Target TAC: 5.928 million lb (2.69 million kg)

Fleet DAS: 780 (since one vessel has opted out of the fishery for FY2005, the remaining four vessels would receive 195 DAS each)

Classification

This action is exempt from review under Executive Order 12866.

A description of the legal basis and reasons for the action, and its objectives, can be found in the preamble and are not repeated here. This action does not contain any new collection-of-information, reporting, or recordkeeping requirements. It would not duplicate, overlap, or conflict with any other Federal rules.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive proposed rulemaking and its concomitant prior notice and opportunity for public comment on this action. This action continues specifications already in place in § 648.260(a)(1) (setting the TAC), § 648.262(b)(2) (setting the DAS), and in 67 FR 63222 (setting the DAS reallocation). These specifications,

which were subject to public comment, were intended to remain in place indefinitely unless changed at the recommendation of the Council. This intention was stated clearly in the preamble to 67 FR 63222. Because the Council has not recommended any change in the FY2005 specifications, public comment through proposed rulemaking is unnecessary. For the same

reason, there is good cause under 5 U.S.C. 553(d)(3) to waive any delay in effectiveness of this rule.

Because prior notice and opportunity for public comment are waived for this rule pursuant to 5 U.S.C. 553(b), the Regulatory Flexibility Act analysis, pursuant to 5 U.S.C. 601 *et seq.*, is not required.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 7, 2005.

John Oliver,

*Deputy Assistant Administrator for
Operations, National Marine Fisheries
Service.*

[FR Doc. 05-2690 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 70, No. 28

Friday, February 11, 2005

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SOCIAL SECURITY ADMINISTRATION

5 CFR Chapter LXXXI

RINs 0960-AE48, 3209-AA15

Supplemental Standards of Ethical Conduct for Employees of the Social Security Administration

AGENCY: Social Security Administration (SSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Social Security Administration (SSA), with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations that would supplement, for officers and employees of SSA, the OGE Standards of Ethical Conduct for Employees of the Executive Branch. The proposed regulations would set forth prohibitions and prior approval requirements for certain outside employment and other outside activities for all SSA employees, and would set forth additional prior approval requirements for SSA Administrative Law Judges.

DATES: To be sure that your comments are considered, we must receive them by March 14, 2005.

ADDRESSES: You may give us your comments by: Using our Internet facility (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs> or the Federal eRulemaking Portal at <http://www.regulations.gov>; e-mail to regulations@ssa.gov; telefax to (410) 966-2830; or letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235-7703. You may also deliver them to the Office of Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs> or you may inspect them physically on regular business days by making arrangements

with the contact person shown in this preamble.

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at <http://www.gpoaccess.gov/fr/index.html>. It is also available on the Internet site for SSA (*i.e.*, Social Security Online) at <http://policy.ssa.gov/pnpublic.nsf/LawsRegs>.

FOR FURTHER INFORMATION CONTACT:

Asim A. Akbari, Office of the General Counsel, General Law Division, telephone (410) 966-6581, fax (410) 597-0071, or TTY 1-410-966-5609. For information on eligibility or filing for benefits, call our national toll-free numbers, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet Web site, Social Security Online, at <http://www.socialsecurity.gov>.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, (at 57 FR 35006-35067) OGE published Standards of Ethical Conduct for Employees of the Executive Branch (OGE Standards), which as corrected and amended are codified at 5 CFR part 2635. Effective generally on February 3, 1993, the OGE Standards established uniform rules applicable to all executive branch personnel.

Pursuant to 5 CFR 2635.105, executive branch agencies are authorized to publish, with the concurrence of OGE, supplemental regulations deemed necessary to implement their respective ethics programs. SSA and OGE have determined that the following proposed supplemental regulations are necessary and appropriate in view of SSA's programs and operations, and to fulfill the purposes of the OGE Standards. The supplemental regulations would be issued in a new chapter LXXXI, consisting of part 9101, of 5 CFR.

II. Analysis of the Proposed Regulations

Proposed § 9101.101 General

This proposed section would state the purpose of the supplemental regulation. Also, it would include cross-references to other issuances applicable to SSA employees, including regulations on financial disclosure, financial interests, and employee responsibilities and

conduct and implementing SSA guidance and procedures issued in accordance with the executive branch-wide Standards.

Proposed § 9101.102 Outside Employment and Other Outside Activities

Under 5 CFR 2635.403(a), an agency may, by supplemental regulation, prohibit its employees from having compensated outside employment, when the agency determines that having that outside employment would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered. Such outside employment prohibited by an agency's supplemental regulation would, in turn, be "conflicting outside employment" and therefore barred by the executive branch-wide Standards, under 5 CFR 2635.802(a). In addition, under 5 CFR 2635.803 where it is determined to be necessary or desirable for the purpose of administering its ethics program, an agency shall by supplemental regulation require employees or any category of employees to obtain approval before engaging in specific types of outside activities, including outside employment.

SSA has determined that SSA employees' having the outside employment described below would cause a reasonable person to question the impartiality and objectivity with which SSA programs are administered. In addition, SSA has determined that it is necessary or desirable for the purpose of administering its ethics program to impose on its employees the prior approval requirements described below.

(a) *Applicability.* The outside employment and activity prohibitions and the prior approval requirements imposed by paragraphs (c) and (d), respectively, of this proposed section, would apply to all SSA employees, except special Government employees. Nevertheless, special Government employees remain subject to other statutory and regulatory authorities governing their outside activities, including bars on their representational activities at 18 U.S.C. 203(c) and 205(c), and applicable provisions of 5 CFR part 2635.

(b) *Definitions.* Proposed § 9101.102(b) would set forth definitions of the terms used in the section.

(c) *Prohibited Outside Employment and Activities.* Proposed § 9101.102(c)

would prohibit an SSA employee from engaging in consultative or professional services, for compensation, to prepare, or assist in the preparation of, any grant applications, contract proposals, program reports, or other documents that are intended for submission to SSA. Note that such conduct, if undertaken on an uncompensated basis, though not expressly prohibited by proposed paragraph (c), would be subject to the prior approval requirement in proposed paragraph (d).

(d) *Prior Approval for Outside Employment and Other Outside Activities.* Proposed § 9101.102(d) would require employees to obtain written approval prior to engaging in certain outside employment or other outside activities. The prior approval requirement would be an integral part of SSA's ethics program. SSA, with OGE's concurrence, believes that the prior approval requirement is necessary to ensure that an employee's participation in outside employment or other outside activities does not adversely affect operations within the employing component or place the employee at risk of violating applicable statutes and regulations governing employee conduct. SSA deems the prior approval requirement necessary to preclude the appearance that an outside employment or other outside activity mentioned above may have been obtained through the use of the employee's official position and to address a number of other potential ethics concerns. Given that SSA annually provides millions of dollars of funding in SSA grants, contracts, cooperative research and development agreements and other funding relationships, SSA has determined that requiring approval prior to engaging in such SSA-funded activities is critical to protect against questions arising regarding the impartiality and objectivity of its employees and the administration of SSA's programs. In fulfilling its mission, SSA would be hindered if members of the public were to question whether SSA employees were using their public position or workplace connections for private remunerative gain attributable, directly or indirectly, to appropriated funds. In addition, an appearance of misuse of an employee's official position may arise where an employee is providing professional or consultative services; engaging in teaching, speaking, writing, or editing that relates to his or her official duties or is undertaken upon invitation by a prohibited source; or providing services to a non-Federal entity as an officer, director, or board member, or, with certain exceptions for

nonprofit organizations, as a member of a group, such as an advisory board. Therefore, prior approval would be required for such outside employment activities as well.

(1) *General Approval Requirement.* Proposed § 9101.102(d)(1) would list the employment or activities, with or without compensation, for which prior written approval would be required for SSA employees. Proposed § 9101.102(d)(1)(iii) would exclude from the prior approval requirement certain services for enumerated nonprofit organizations that are uncompensated (other than reimbursement of expenses) and do not involve the provision of professional or consultative services. Proposed § 9101.102(d)(5) would likewise exclude those categories of outside employment and activities exempted thereunder (see the discussion of that provision below).

(2) *Additional Approval Requirement Applicable to Administrative Law Judges (ALJs).* Under proposed § 9101.102(d)(2), SSA ALJs would be required to obtain prior written approval for all outside employment, with only limited exceptions. SSA has determined that it is necessary to the administration of its ethics program to have this broad prior approval requirement for its ALJs. SSA ALJs have the responsibility for issuing decisions on benefit claims under titles II and XVI of the Social Security Act. SSA must ensure the public that the hearing process is fair and that there is no appearance that an ALJ has a conflict of any kind that would undermine the process. ALJs hear and decide cases from the public on a daily basis. Thus, ALJs are one of the most visible SSA employees to the public. ALJ activities, both in and out of the office, are scrutinized by the public. Due to their heightened notoriety by the public as compared to other SSA employees, the proposed prior approval requirement in § 9101.102(d)(2) would allow SSA to assist ALJs in avoiding outside employment activities that may create a perception of partiality in the decision-making process.

Consistent with the other prior approval provisions applicable to all SSA employees, proposed § 9101.102(d)(2)(ii) would not require approval for participation in the activities of certain enumerated nonprofit organizations, unless the participation were to involve the provision of professional or consultative services, were to be performed for compensation (other than reimbursement of expenses), or, additionally, the activity relates to the employee's official duties within the

meaning of 5 CFR 2635.807(a)(2)(i)(B) through (E). Moreover, the proposed prior approval requirement would not apply, as provided at § 9101.102(d)(2)(iii) as proposed, to those categories of employment that have been exempted, pursuant to § 9101.102(d)(5) as proposed, based on a determination that such employment activities generally would be approved and are not likely to involve conduct prohibited by statute or Federal regulation.

(3) *Submission of Requests for Prior Approval.* Proposed § 9101.102(d)(3) would specify that employees would have to submit prior approval requests in writing to their immediate supervisor at least 30 days in advance in order to allow a reasonable time before the proposed activity for the consideration of the requested approval of outside activities. Employees would be required to include information in their prior approval requests sufficient to assess the activity. Upon a significant change in the nature or scope of the outside employment or in the employee's SSA position, proposed § 9101.102(d)(3)(ii) would require the employee to submit a revised request for approval.

(4) *Standard for Approval.* Proposed § 9101.102(d)(4) would specify the standard for approval of outside employment or other activities. Each proposed activity would be reviewed on a case-by-case basis in order to determine that the activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and the SSA supplemental regulations. A proposed note that would follow § 9101.102 would advise employees that the granting of approval for an outside activity does not relieve the employee of the obligation to abide by all applicable laws and regulations governing employee conduct. The note would put employees on notice that approval merely constitutes an assessment that the activity, as described on the approval request, generally does not appear likely to violate any criminal statutes or other ethics rules. The note would serve as a reminder to employees that during the course of an otherwise approvable activity, situations may arise, or actions may be contemplated that nevertheless pose ethical concerns. SSA ethics officials are available to provide advice and guidance to SSA employees as to such situations.

(5) *Responsibilities of the Designated Agency Ethics Official or Designee.* Proposed § 9101.102(d)(5) would provide that the Designated Agency Ethics Official (DAEO) may issue instructions or manual issuances that

will be distributed to all SSA offices exempting categories of employment or other activities from the prior approval requirement, after a determination that the employment or activities within those categories would generally be approved and are not likely to involve conduct prohibited by statute or Federal regulation, including the OGE Standards and this supplemental regulation. Through these instructions or manual issuances, SSA may specify internal procedures governing the submission of prior approval requests and maintenance of records, designate appropriate officials to act on such requests, and include examples of outside employment or other outside activities that are permissible or impermissible consistent with the OGE Standards and this part.

Clarity of the Proposed Rules

In addition to your substantive comments on these proposed rules, we invite your comments on how to make the rules easier to understand. For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that may be avoided or that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- What else could we do to make the rules easier to understand?

III. Matters of Regulatory Procedure

Executive Order 12866, Regulatory Planning and Review

In issuing this proposed rule, SSA has adhered to the regulatory philosophy and the applicable principles of regulations set forth in section 1 of Executive Order 12866 of September 30, 1993. This proposed rule is limited to agency organization, management, or personnel matters, and thus is not a "significant regulatory action," as defined in sections 3(d) through (f) of the Executive Order.

Executive Order 12988

As Commissioner of Social Security I have reviewed this proposed rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

Regulatory Flexibility Act

SSA has determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this proposed regulation will not have a significant economic impact on a substantial number of small entities because it affects only SSA employees.

Paperwork Reduction Act

SSA has determined that the reporting requirements contained in proposed § 9101.102(d) are exempt from coverage under the Paperwork Reduction Act as specified in 5 CFR 1320.3(c)(4).

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this proposed regulation will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, or by the private sector, of \$100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

SSA has determined that this rulemaking is a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and will, before the future final rule takes effect, submit a report thereon to the United States Senate, House of Representatives and General Accounting Office in accordance with that law.

List of Subjects in 5 CFR Part 9101

Conflict of interests, Government employees.

Dated: January 26, 2005.

Jo Anne B. Barnhart,
Commissioner of Social Security.

Approved: February 1, 2005.

Marilyn L. Glynn,
Acting Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Social Security Administration, with the concurrence of the Office of Government Ethics, is proposing to amend title 5 of the Code of Federal Regulations by adding a new chapter LXXXI, consisting of part 9101, to read as follows:

Chapter LXXXI—Social Security Administration

PART 9101—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SOCIAL SECURITY ADMINISTRATION

Sec.

9101.101 General.

9101.102 Outside employment and other outside activities.

Authority: 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403, 2635.802, 2635.803.

§ 9101.101 General.

(a) *Purpose.* In accordance with 5 CFR 2635.105, the regulations in this part apply to employees of Social Security Administration (SSA) and supplement the Standards of Ethical Conduct for Employees of the Executive Branch contained in 5 CFR part 2635.

(b) *Cross-references.* In addition to 5 CFR part 2635 and this part, SSA employees are required to comply with implementing guidance and procedures issued by SSA in accordance with 5 CFR 2635.105(c). SSA employees are also subject to the executive branch-wide financial disclosure regulations at 5 CFR part 2634, the financial interests regulations at 5 CFR part 2640, and the employee responsibilities and conduct regulations at 5 CFR part 735.

§ 9101.102 Outside employment and other outside activities.

(a) *Applicability.* This section applies to all SSA employees, except special Government employees.

(b) *Definitions.* For the purposes of this section:

Compensation has the meaning set forth in 5 CFR 2635.807(a)(2)(iii).

Consultative services means the provision of personal services by an employee, including the rendering of advice or consultation, which requires advanced knowledge in a field of science or learning customarily acquired by a course of specialized instruction and study in an institution of higher education, hospital, or other similar facility.

Employment means any form of non-Federal employment or business relationship involving the provision of personal services by the employee, whether or not for compensation, or any self-employment business activity. It includes but it is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, or trustee.

Professional services means the provision of personal services by an employee, including the rendering of advice or consultation, which involves application of the skills of a profession as defined in 5 CFR 2636.305(b)(1) or involves a fiduciary relationship as defined in 5 CFR 2636.305(b)(2).

Receive has the meaning set forth in 5 CFR 2635.807(a)(2)(iv).

(c) *Prohibited outside employment and activities—prohibited assistance in the preparation of grant applications or*

contract proposals. An employee shall not provide to or on behalf of any person consultative or professional services, for compensation, which includes preparing, or assisting in the preparation of, any grant application, contract proposal, program report or other document intended for submission to SSA.

(d) *Prior approval for outside employment and other outside activities.* (1) *General approval requirement.* Except to the extent that the SSA Designated Agency Ethics Official has exempted the employment or other activity under paragraph (d)(5) of this section, an employee shall obtain written approval prior to engaging, with or without compensation, in the following outside employment or activities:

(i) Providing professional or consultative services, including service as an expert witness;

(ii) Engaging in teaching, speaking, writing, or editing that:

(A) Relates to the employee's official duties within the meaning of 5 CFR 2635.807(a)(2)(i)(B) through (E); or

(B) Would be undertaken as a result of an invitation to engage in the activity that was extended to the employee by a person who is a prohibited source within the meaning of 5 CFR 2635.203(d).

(iii) Providing services to a non-Federal entity as an officer, director, or board member, or as a member of a group such as a planning commission advisory council, editorial board, scientific or technical advisory board or panel, which require the provision of advice, counsel or consultation, unless the service is provided, without compensation other than reimbursement of expenses, to a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization and does not involve the provision of professional or consultative services within the meaning of paragraph (b) of this section.

(iv) Engaging in an activity funded by an SSA grant, contract, cooperative research and development agreement, or other funding relationship.

(2) *Additional approval requirement for Administrative Law Judges.* (i) In addition to the approval requirements set forth in paragraph (d)(1) of this section, an SSA Administrative Law Judge shall obtain written approval prior to engaging in any outside employment, except as provided in paragraphs (d)(2)(ii) and (d)(2)(iii) of this section.

(ii) The requirement of paragraph (d)(2)(i) of this section does not apply to participation in the activities of a

nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization, unless the participation involves the provision of professional or consultative services within the meaning of paragraph (b) of this section, is performed for compensation other than the reimbursement of expenses, or the activity relates to the employee's official duties within the meaning of 5 CFR 2635.807(a)(2)(i)(B) through (E).

(iii) The requirement of paragraph (d)(2)(i) of this section shall not apply to the extent that an employment activity has been exempted, pursuant to paragraph (d)(5) of this section.

(3) *Submission of request for approval.* (i) An employee seeking to engage in any of the activities for which advance approval is required shall allow not less than 30 days before the proposed activity for the consideration of the written request for approval. The employee shall submit the request for approval to his or her immediate supervisor. All requests for prior approval shall include the following information:

(A) The employee's name, organizational component, position title, grade and salary;

(B) The nature of the proposed outside employment or other outside activity, including a full description of the specific duties or services to be performed;

(C) A description of the employee's official duties that relate in any way to the proposed activity;

(D) The name and address of the person or organization for whom or with which the work or activity will be done, including the location where the services will be performed;

(E) The estimated total time that will be devoted to the activity. There must be a statement of the estimated number of hours per year and a statement of the anticipated beginning and ending date;

(F) A statement as to whether the work can be performed entirely outside of the employee's regular duty hours and, if not, the estimated number of hours of absence that will be required;

(G) The method or basis of any compensation (e.g., fee, per diem, honorarium, royalties, stock options, travel and expenses, or other);

(H) A statement whether the compensation is derived from an SSA grant, contract, cooperative agreement, or other source of SSA funding;

(I) For activities involving the provision of consultative or professional services, a statement indicating whether the client, employer, or other person on whose behalf the services are to be

performed is receiving, or intends to seek, SSA or Federal Government benefits, an SSA grant, contract, cooperative research and development agreement, or other funding relationship; and

(J) For activities involving teaching, speaking, writing, or editing, the proposed text of any disclaimer required by 5 CFR 2635.807(b)(2) or by the instructions or manual issuances authorized under paragraph (d)(5) of this section. However, no advance approval for the disclaimer is required if the disclaimer reads as follows: "This (article, book, etc.) was (written, edited) by (employee's name) in (his or her) private capacity. No official support or endorsement by the Social Security Administration or the United States is intended or should be inferred." Where a disclaimer is required for an article, book or other writing, the disclaimer will be printed in a reasonably prominent position in the writing itself.

(ii) Upon a significant change in the nature or scope of the outside employment or in the employee's SSA position, the employee must submit a revised request for approval.

(4) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part.

(5) *Responsibilities of the Designated Agency Ethics Official or Designee.* The SSA Designated Agency Ethics Official may issue an instruction or manual issuance exempting categories of employment or other outside activities from a requirement of prior written approval based on a determination that the employment or activities within those categories would generally be approved and would not be likely to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and this part. Through these instructions or manual issuances, SSA may specify internal procedures governing the submission of prior approval requests and maintenance of records, designate appropriate officials to act on such requests, and include examples of outside employment or other outside activities that are permissible or impermissible consistent with the OGE Standards and this part.

Note to § 9101.102: The granting of approval for an outside activity does not relieve the employee of the obligation to abide by all applicable laws and regulations governing employee conduct. Approval merely constitutes an assessment that the activity as described on the submission generally does not appear likely to violate

any criminal statutes or other ethics rules. Employees are reminded that during the course of an otherwise approvable activity, situations may arise, or actions may be contemplated, that nevertheless, pose ethical concerns. SSA ethics officials are available to provide advice and guidance to SSA employees as to such situations.

[FR Doc. 05-2644 Filed 2-10-05; 8:45 am]

BILLING CODE 4191-02-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76 and 150

RIN: 3150-AH57

Protection of Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations for the protection of Safeguards Information (SGI) to protect SGI from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The proposed amendments are consistent with recent Commission practices reflected in orders and threat advisories, issued since September 11, 2001. The proposed amendments would affect certain licensees, information, and materials not currently specified in the regulations, but which are within the scope of Commission authority under the Atomic Energy Act of 1954, as amended (AEA).

DATES: The comment period expires March 28, 2005. Submit comments specific to the information collections aspects of this rule March 14, 2005. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RIN 3150-AH57) in the subject line of your comments. Comments on this rulemaking submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, Attn: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking Web site to Carol Gallagher at (301) 415-5905; e-mail cag@nrc.gov. Comments can also be submitted via the Federal Rulemaking Portal <http://www.regulations.gov>.

Hand-deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone: (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101. Publicly available documents related to this rulemaking may be examined and copied for a fee at the NRC's Public Document Room (PDR), Public File Area O1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. Selected documents, including comments, can be reviewed and downloaded electronically via the NRC rulemaking Web site at <http://ruleforum.llnl.gov>.

You may submit comments on the information collections by the methods indicated in the Paperwork Reduction Act Statement.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

Marjorie Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-1633, e-mail MUR@nrc.gov or Bernard Stapleton, Office of Nuclear Security and Incident Response, Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-2432, e-mail BWS2@nrc.gov.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Need for Rule

III. Purpose of Rulemaking

IV. Request for Specific Comment

V. Discussion of Proposed Amendments by Section

VI. Criminal Penalties

VII. Agreement State Issues

VIII. Plain Language

IX. Voluntary Consensus Standards

X. Finding of No Significant Impact: Environmental Assessment

XI. Paperwork Reduction Act Statement

XII. Regulatory Analysis

XIII. Regulatory Flexibility Analysis

XIV. Backfit Analysis

I. Background

Safeguards Information (SGI) is a special category of sensitive unclassified information to be protected from unauthorized disclosure under section 147 of the Atomic Energy Act of 1954, as amended (AEA). Although SGI is considered to be sensitive unclassified information, it is handled and protected more like classified National Security Information than like other sensitive unclassified information (e.g., privacy and proprietary information). Part 73, "Physical Protection of Plants and Materials," of the Commission's regulations in Title 10 of the Code of Federal Regulations contains requirements for the protection of SGI. Commission orders issued since September 11, 2001, have also imposed requirements for the designation and protection of SGI. These requirements apply to SGI in the hands of any person, whether or not a licensee of the Commission, who produces, receives, or acquires SGI. An individual's access to SGI requires both a valid "need to know" such information and authorization based on an appropriate background investigation. Power reactors, certain research and test reactors, and spent fuel storage installations are examples of the categories of licensees currently within the scope of the provisions of part 73 for the protection of SGI. Examples of the types of information designated as SGI include the physical security plan for a licensee's facility; the design features of such a licensee's physical protection system; and operational procedures for the licensee's security organization.

The Commission has authority under section 147 of the AEA to designate, by regulation or order, other types of information as SGI. For example, section 147.a.(2) allows the Commission to designate as SGI a licensee's or applicant's detailed security measures (including security plans, procedures and equipment) for the physical protection of source material or byproduct material in quantities determined by the Commission to be significant to the public health and

safety or the common defense and security. The Commission has, by order, imposed SGI handling requirements on certain categories of these other licensees. An example is a November 25, 2003 order issued to certain materials licensees.¹

Violations of SGI handling and protection requirements, whether those specified in part 73 or those imposed by order, are subject to the applicable civil and criminal sanctions. Employees, past or present, and all persons who have had access to SGI have a continuing obligation to protect SGI in order to prevent inadvertent release and unauthorized disclosure. Information designated as SGI must be withheld from public disclosure and must be physically controlled and protected. Protection requirements include (1) secure storage; (2) document marking; (3) restriction of access; (4) limited reproduction; (5) protected transmission; and (6) controls for information processing on electronic systems.

Inadequate protection of SGI, including inadvertent release and unauthorized disclosure, may result in civil and/or criminal penalties. The AEA explicitly provides in section 147.a. that "any person, whether or not a licensee of the Commission, who violates any regulations adopted under this section shall be subject to the civil monetary penalties of section 234 of this Act." Furthermore, willful violation of any regulation or order governing SGI is a felony subject to criminal penalties in the form of fines or imprisonment, or both, as prescribed in section 223 of the AEA.

II. Need for Rule

Changes in the threat environment have revealed the need to protect additional types of security information held by a broader group of licensees as SGI. Under the current regulations, some categories of licensees are not explicitly included in the categories of licensees subject to the general performance requirements in 10 CFR 73.21(a). Similarly, the current regulations do not specify all of the types of information that are now recognized to be significant to the public health and safety or the common

defense and security. The unauthorized release of this information could result in harm to the public health and safety and the Nation's common defense and security, as well as damage to the Nation's critical infrastructure, including nuclear power plants and other facilities and materials licensed and regulated by the NRC.

Since September 11, 2001, the NRC has issued orders that have increased the number of licensees whose security measures will be protected as SGI and have added additional types of security information considered to be SGI. Orders have been issued to power reactor licensees, fuel cycle facility licensees, certain source material licensees, and certain byproduct material licensees. Some of the orders expanded the types of information to be protected by licensees who already have an SGI protection program, such as nuclear power reactor licensees. Other orders were issued to licensees that have not previously been explicitly subject to SGI protection requirements in the regulations, such as certain licensees authorized to manufacture or initially transfer items containing radioactive material.² Some orders impose a new designation: Safeguards Information—Modified Handling (SGI-M). SGI-M pertains to certain SGI subject to handling requirements that are modified from what part 73 itself currently requires. This designation for SGI applies to certain quantities of source, byproduct, and special nuclear materials for which the risk of unauthorized disclosure of information is relatively low. In contrast, more stringent requirements are imposed for the protection of SGI pertaining to licensees such as power reactors and certain fuel cycle facilities.

Some of the requirements imposed by orders that have increased the types of information to be considered SGI are not covered by the current regulations. Although new SGI requirements could continue to be imposed through the issuance of orders, the regulations would not reflect current Commission SGI policy and/or requirements. Orders apply only to the licensees named in the orders, and enforcement orders do not apply prospectively to applicants for new licenses such as a rule would. *Duke Energy Corp.* (Catawba Nuclear Station, Units 1 and 2), CLI-04-6, 59 NRC 62 (2004) (February 18, 2004). Finally, it has been Commission policy to codify requirements in the regulations and not to rely on orders indefinitely to impose requirements that should have generic application.

III. Purpose of Rulemaking

NRC staff review of the SGI regulatory program indicates that changes in the regulations are needed to address issues such as access to SGI, types of security information to be protected, and handling and storage requirements.³

This rulemaking would:

Codify the SGI requirements imposed by the orders;

Expand the scope of part 73 to include additional categories of licensees (e.g., source and byproduct material licensees, research and test reactors not previously covered, and fuel cycle facilities not previously covered);

Expand the types of security information covered by the definition of SGI in § 73.21 to include access authorization for background screening, detailed emergency planning scenarios and implementing procedures, vulnerabilities or weaknesses corrected in a security system, and some training and qualification information; and

Update § 73.21 to address advanced technology, such as new types of portable communication devices and copiers using digital technology.

A graded approach based on the risks and consequences of information disclosure is being used in determining which category of licensee or type of information will be subject to certain protection requirements. This graded approach can be applied to such issues as the type of information to be protected, the classes of licensees subject to the rule, and the level of handling requirements necessary for the various licensees. For example, the graded approach allows certain licensees, whose quantities and forms of material pose a low risk from unauthorized information disclosure, to employ the modified-handling procedures introduced in recent orders for Safeguards Information designated as SGI-M.

The requirements set forth in this proposed rule are the minimum restrictions the Commission believes to be necessary in the current threat environment to protect Safeguards Information against inadvertent release or unauthorized disclosure which might compromise the health and safety of the public or the common defense and security. The proposed rule covers those facilities and materials the Commission has already determined need to be protected against theft or sabotage. The

¹ This order was published in the **Federal Register** as "All Licensees Authorized to Manufacture or Initially Transfer Items Containing Radioactive Material for Sale or Distribution and Who Possess Certain Radioactive Material of Concern and All Persons Who Obtain Safeguards Information Described Herein; Order Issued on November 25, 2003 Imposing Requirements for the Protection of Certain Safeguards Information (Effective Immediately)," (69 FR 3397 (January 23, 2004)).

² See 69 FR 3397 (January 23, 2004).

³ The NRC staff is in the process of revising the guidance for designation of SGI and has issued a draft document for comment (Nuclear Regulatory Commission Draft Guide for the Designation of Safeguards Information, July 2004).

categories of information constituting SGI relate to the types of facilities and the quantities of special nuclear material, source material and byproduct material determined by the Commission to be significant and therefore subject to protection against unauthorized disclosure pursuant to section 147 of the AEA. Unauthorized release of Safeguards Information could reduce the deterrence value of systems and measures used to protect nuclear facilities and materials and allow for the possible compromise of those facilities and materials. Such disclosures could also facilitate advance planning by an adversary intent on committing acts of theft or sabotage against the facilities and materials within the scope of the rule. The rule requirements satisfy the minimum restrictions provision of section 147.a.(3)(A) of the AEA. Further, the Commission has determined, pursuant to section 147.a.(3)(B) of the AEA, that the unauthorized disclosure of the information that is the subject of the proposed rule could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of nuclear material or a facility.

IV. Request for Specific Comment

The NRC is soliciting specific public comment on the following issue associated with the proposed rulemaking action:

Differing Requirements for Access to SGI and SGI-M—sections 73.22(b)(1) and 73.23(b)(1) contain differing requirements for performing background checks and making trustworthiness and reliability determinations for granting personnel access to SGI or SGI-M. Specifically, under § 73.22(b)(1)(i)(A), an individual to be authorized access to SGI by a nuclear power reactor applicant or licensee must demonstrate trustworthiness and reliability and undergo a Federal Bureau of Investigation criminal history check to the extent required by § 73.57, which includes fingerprinting. Individuals to be authorized access to SGI by other applicants or licensees covered by § 73.22 or by a source, byproduct, or special nuclear material applicant or licensee pursuant to § 73.23(b)(1)(i) must demonstrate trustworthiness and reliability through a comprehensive background check or other means approved by the Commission. These different requirements are based on the statutory authorization in section 149 of the AEA for the NRC to require fingerprinting of individuals to be granted access to SGI by nuclear power

reactor applicants or licensees. There is not a similar statutory authorization to require fingerprinting by other applicants or licensees.

The NRC specifically invites comment on whether stakeholders would perceive difficulties in complying with these varying requirements. If so, the Commission would welcome stakeholder's suggestions, comments, and/or proposals which would provide a more uniform approach to background checks and trustworthiness and reliability determinations.

V. Discussion of Proposed Amendments by Section

Conforming changes to 10 CFR part 2, "Rules of practice for domestic licensing proceedings and issuance of orders," would be made to the following sections to include citation of 10 CFR 73.22 and 73.23, in addition to citation of current § 73.21, as applicable appropriate: paragraph (f) of § 2.709, "Discovery against NRC staff;"⁴ paragraph (a)(4)(iii) of § 2.1003, "Availability of material;" and paragraph (b)(6) of § 2.1010, "Pre-License application presiding officer."

Conforming changes are also being proposed to 10 CFR part 30, "Rules of general applicability to domestic licensing of byproduct material," and 10 CFR part 40, "Domestic licensing of source material." The proposed changes would add provisions to the sections of those parts addressing applications for specific licenses and terms and conditions of licenses. In part 30, §§ 30.32, "Application for specific licenses" and 30.34, "Terms and conditions of licenses," would be amended to include citation of §§ 73.21 and 73.23. In part 40, corresponding sections (§§ 40.41 and 40.31) would be amended to include citation of § 73.21 and the requirements of § 73.22 or § 73.23, as applicable. With these additions, it should be clear that part 30 and part 40 licensees and applicants (subject to 10 CFR part 73), under each part would be required to protect categories of documents and information in accordance with the requirements of part 73.

Conforming changes to 10 CFR part 50, "Domestic licensing of production and utilization facilities," would add to § 50.34, "Contents of applications; technical information" and § 50.54, "Conditions of licenses," citations to § 73.22, "Protection of Safeguards Information: Specific Requirements"

and § 73.23, "Protection of Safeguards Information-Modified Handling: Specific Requirements." The purpose of these changes would be to reflect that specific requirements for protecting SGI relating to such licensees and materials would be moved from § 73.21 to proposed § 73.22 and § 73.23, of this chapter, as applicable.

Conforming changes are also being proposed to 10 CFR part 52, "Early site permits; standard design certifications; and combined licenses for nuclear power plants." Specifically, § 52.47, "Contents of applications," relating to standard design certifications, would be amended to add as paragraph (c) the requirement that an applicant for a standard design certification under part 52 shall protect SGI against unauthorized disclosure in accordance with the requirements of §§ 73.21 and 73.22 of this chapter, as applicable. A similar conforming change is being proposed for § 52.79, "Contents of application; technical information," relating to combined licenses for nuclear power facilities.

Part 60, "Disposal of high-level Radioactive wastes in geologic repositories," would be amended to add in § 60.21, "Content of application," new paragraph (d). That paragraph would state that the application for a license for a geologic repository operations area shall protect as SGI detailed security measures and related information, in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable. A parallel change would be made to a new paragraph (d) to § 60.42, "Conditions of license."

Part 63, "Disposal of high-level radioactive wastes In a geologic repository at Yucca Mountain, Nevada," would be amended to add new paragraph (d) to § 63.21, "Content of application." That section would state that the applicant for a license to receive and possess source, byproduct, and special nuclear material at a geologic repository at Yucca Mountain, Nevada shall protect the detailed security measures for the physical protection of high-level radioactive waste as SGI in accordance with §§ 73.21 and 73.22. A corresponding change (*i.e.*, adding new paragraph (e)) would be made to § 63.42, "Conditions of license."

Conforming changes are being proposed for 10 CFR part 70, "Domestic licensing of special nuclear material," subpart D—"License applications." Specifically, § 70.22, "Contents of applications," and § 70.32 "Conditions of licenses," would be modified to add citation of proposed § 73.23. These modifications are being proposed to be

⁴ In § 2.709(f), which replaces former § 2.744(e), a few changes in the language and citations in former § 2.744(e), not relevant here, were made as part of a separate rulemaking amending 10 CFR part 2. "Changes to Adjudicatory Process; Final Rule," 69 FR 2182, 2262 (January 14, 2004).

consistent with the addition of proposed § 73.23 containing specific requirements for Safeguards Information—Modified Handling related to certain quantities of source and byproduct material and special nuclear material of moderate or low strategic significance, except for those materials covered under § 73.22.

Part 71, “Packaging and transportation of radioactive material,” would be amended to add new § 71.11, “Protection of Safeguards Information” because licensees, certificate holders, or applicants for a Certificate of Compliance for transport of radioactive material would be required to protect Safeguards Information in accordance with the applicable amended requirements in part 73. The proposed revision does not address the protection of design-related information with respect to transportation packages.

Part 72, “Licensing requirements of the independent storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than Class C waste,” would also be amended. A new paragraph (f) would be added to § 72.22, “Contents of application; General and financial information,” to require that each applicant for a license under part 72 would be required to protect SGI against unauthorized disclosure in accordance with § 73.21 and the requirements of § 73.22 or § 73.23, of this chapter, as applicable. In § 72.44, “License conditions,” paragraph (h) would include a similar requirement for each licensee subject to part 73. Section 72.212 would be changed to designate paragraph (b)(5)(v) as paragraph (b)(5)(vi) and a new paragraph (b)(5)(v) would be added to require that each general licensee that receives, transfers, and possesses power reactor spent fuel, power reactor-related Greater than Class C (GTCC) waste, and other radioactive materials associated with spent fuel storage shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23, of this chapter, as applicable. A new paragraph (n) would be added to § 72.236, “Specific requirements for spent fuel storage cask approval and fabrication,” to note that Safeguards Information shall be protected against unauthorized disclosure in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

Section 73.1 Purpose and Scope

Paragraph (b)(7) of this section would be amended to include a reference to “Safeguards Information-Modified Handling” (SGI-M), the designation for

marking of documents containing Safeguards Information (SGI) to which the Commission has determined modified protection requirements apply. Orders to certain materials licensees contain this new SGI-M designation and the handling requirements for such information.

Section 73.2 Definitions

This section would be amended to add definitions of the terms *Individual Authorized Access to Safeguards Information* and *Individual Authorized Access to Safeguards Information-Modified Handling*; *Trustworthiness and Reliability*, and *Safeguards Information-Modified Handling Requirements*. In addition, the definition of the term *Safeguards Information* would be modified.

The new terms *Individual Authorized Access to Safeguards Information* and *Individual Authorized Access to Safeguards Information-Modified Handling*, would be added to distinguish such individuals from an “authorized individual,” which is defined now to apply only to the control of and access to special nuclear material, without reference to handling of information or documents.

The new term, *Safeguards Information-Modified Handling*, would be added to reflect the new designation for marking of SGI subject to this regulation. This marking has been previously established through Commission orders.

The new term, *Trustworthiness and Reliability*, would be added to reflect Commission expectations regarding positive character attributes for access to SGI and SGI-M handling in addition to an individual’s “need to know” such information. This expectation is embodied elsewhere in part 73 (§ 73.56, “Personnel access authorization requirements for nuclear power plants.”) and in 10 CFR 26.10, “General performance objectives,” for fitness-for-duty. Specifically, § 73.56(b) requires, as a performance objective of a licensee’s access authorization program, “high assurance” that individuals granted unescorted access to a nuclear power plant’s protected and vital areas are trustworthy and reliable. Similarly, under § 26.10(a), a licensee’s fitness-for-duty program must provide reasonable assurance that covered personnel will perform their tasks in a “trustworthy and reliable manner.”

The definition of “*Safeguards Information*” would be changed to reflect that certain categories of information relating to source and byproduct material are subject to protection as SGI against unauthorized

disclosure pursuant to section 147 of the AEA. In addition, this definition would embody the Commission’s authority under section 147 of the AEA to determine, by order or regulation, that the unauthorized disclosure of other information could reasonably be expected to have an adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of materials and facilities. The Commission may from time to time exercise its authority under section 147.a.⁵ of the AEA to define additional information as SGI. Thus, the public and other stakeholders would, through orders or new regulations, be given notice of any additional definitions of SGI.

The proposed definition of SGI would also delete the words “licensee’s or applicant’s” [information]. This change is being proposed to reflect in the regulations the Commission’s authority under section 147 of the AEA to determine that other information involving the materials described in that provision shall be protected as SGI. This authority can be exercised if the unauthorized disclosure of that information could reasonably be expected to have an adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of materials and facilities regulated by the Commission. The proposed change is also based on the Commission’s very broad authority under section 161.b. of the AEA to regulate the use and possession of source, byproduct, and special nuclear material in order to promote the common defense and security or to protect health and minimize danger to life or property.

Section 73.21 Protection of Safeguards Information: Performance Requirements

This section would be revised as follows:

Section 73.21(a) General Performance Requirements

The language in paragraph (a) would be simplified and revised to state at the outset that any person, including a licensee or an applicant, who produces, receives or acquires SGI shall ensure that it is protected against unauthorized disclosure. Although this is not a new requirement under § 73.21(a), the current language and format of that paragraph does not emphasize this as an

⁵ In the exercise of this authority, the Commission makes certain determinations and applies the minimum restrictions necessary to protect SGI, in compliance with section 147 of the AEA.

obligation that extends to any person who produces, receives, or acquires SGI.

Revised paragraphs § 73.21(a)(1)(i) and (a)(1)(ii) would embody the general performance requirement in paragraph (a) of current § 73.21 that licensees, applicants, and persons subject to that section must establish, implement, and maintain an information protection system that includes specified measures. However, the proposed rule presents separate requirements for the different categories of licensees.

Proposed § 73.22 contains the specific requirements for Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities required to implement security measures. Measures for protecting SGI relating to certain quantities of source and byproduct material, and special nuclear material of moderate or low strategic significance are specified in proposed § 73.23.⁶

Although the measures for the protection of SGI are applicable if the information is produced, received, or acquired, if licensees do not have such information then the associated requirements would not apply. For example, research and test reactors are not required to implement the power reactor Design Basis Threat (DBT),⁷ and therefore, in all likelihood would not possess DBT-related information. However, should a research and test reactor receive or acquire such information, it would be required to protect the information in accordance with applicable measures.

Including the references to source, byproduct, and special nuclear material in these new paragraphs would reflect the full scope of section 147 of the AEA. That section authorizes the Commission to protect against the unauthorized disclosure of SGI which specifically identifies a licensee's or applicant's detailed procedures or security measures relating to special nuclear material, byproduct material, and source material, in quantities determined by the Commission through order or

regulation to be significant. This change would lessen the need for the Commission to issue orders to licensees for the protection of SGI relating to categories of licensees, information, or materials not currently within the scope of part 73.

Section 73.21(a)(1)(i) and (a)(1)(ii) would also add the word "implement" to the requirement in current § 73.21(a) that licensees and persons subject to this section must establish and maintain an information protection system to protect against the unauthorized disclosure of SGI.

Section 73.21(b) Commission Authority

This is a new paragraph that recognizes the Commission's broad authority and flexibility under section 147 of the AEA to designate information as SGI or SGI-M and to impose levels of handling requirements on any person who produces, receives, or acquires SGI. In exercising this authority, the Commission is required to make a finding that the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of the theft, diversion, or sabotage of a facility or source, byproduct, and special nuclear material. In addition, the Commission is to impose the minimum restrictions necessary to protect the health and safety of the public or the common defense and security.

The remaining paragraphs of § 73.21 will be renumbered into new §§ 73.22 and 73.23, and modified as noted.

Section 73.22 Protection of Safeguards Information: Specific Requirements

New § 73.22 would be added, containing specific requirements for Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities required to implement security measures.

Section 73.22(a) Information To Be Protected

Current § 73.21(b) "Information To Be Protected," would be renumbered as § 73.22(a) and be revised to add specificity to the types of information and documents that must be protected as SGI. Such information and documents would include the elements

and characteristics of the DBT in a level of detail greater than that specified in § 73.1, as well as security-related requirements to be protected against unauthorized disclosure such as protective measures, interim compensatory measures, and additional security measures. These changes are necessary to codify in the regulations the recent practices of the Commission as reflected in orders and threat advisories issued since September 11, 2001.

Section 73.21(a)(1), "Physical Protection at Fixed Sites," would be changed to be consistent with the language in section 147.a.(1), (2), and (3) of the AEA to include information relating to all of the materials there specified. As revised, paragraph (a)(1) of § 73.21 would not be limited to information concerning the protection of power reactors authorized to operate and facilities that possess formula quantities of strategic special nuclear material, as is current § 73.21(b)(1). Section (a)(1)(i) would be revised to delete the word "nuclear" to be consistent with the terminology in section 147 of the AEA. In addition, the words "All portions of" would be added at the beginning of this category to make clear the broader scope of this category of information intended to be protected as SGI.

Sections 73.22(a)(1)(iii) and 73.22(a)(1)(v) embody changes to current § 73.21(b)(1)(iii) and current § 73.21(b)(1)(v). The new § 73.22(a)(ii) would delete the words "Details of" at the beginning of these categories of information to make clear the broader scope of the information intended to be protected as SGI.

Section 73.22(a)(1)(vi) would be current § 73.21(b)(1)(vi) and would be amended to include the phrase "passwords integral to the physical security system" because such passwords constitute the type of information that should be protected as SGI.

Section 73.22(a)(1)(viii), current § 73.21(b)(1)(viii), and § 73.22(a)(1)(ix), current § 73.21(b)(1)(ix), would be revised to add at the beginning of each category the words "All portions of." This change would make it clear that the referenced plans in their entirety and subparts are intended to be designated as SGI. In addition, current § 73.21(a)(1)(ix) would be changed to recognize the importance of the licensee's overall facility guard training and qualification plan as a "composite" plan.

New § 73.22(a)(1)(x) would reflect a combination of current paragraphs § 73.21(b)(1)(x), § 73.21(b)(1)(xi), and

⁶ The quantities are those determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security.

⁷ The DBTs, as described in 10 CFR 73.1, provide specific adversary characteristics which power reactor and Category I fuel cycle facilities need to protect against. The DBTs form the basis for site-specific defensive strategies as set forth in a site's physical security plan and contingency plan.

§ 73.21(b)(1)(xii). As revised, this paragraph would specify the enumerated aspects of response forces.

Proposed § 73.22(a)(1)(xi) would be added to cover information concerning the size, tactics and capabilities required to defend against the DBT or information that would disclose elements and characteristics of the DBT in a greater level of detail than that specified in § 73.1.

Proposed § 73.22(a)(1)(xii) would be added to specify for protection as SGI engineering and safety analyses, emergency planning procedures or scenarios, and other similar information relating to the physical protection of a facility or materials if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material or such facility.

Proposed § 73.22(a)(1)(xiii) is the current § 73.21(b)(1)(xiii).

Section 73.22(a)(2) Physical Protection in Transit

The introductory paragraph in current § 73.21(b)(2) and § 73.21(b)(2)(i), § 73.21(b)(2)(iii) and § 73.21(b)(2)(iv) are renumbered as new introductory paragraph § 73.22(a)(2), § 73.22(a)(2)(i), § 73.22(a)(2)(iii) and § 73.22(a)(2)(iv). The introductory paragraph would be changed to reflect the applicability of § 73.22 to the transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel.

Section 73.22(a)(2)(i) would be revised to include the words "All portions of" to make it clear that these plans in their entirety and subparts are intended to be designated as SGI.

Current § 73.21(b)(2)(ii) would be renumbered as § 73.22(a)(2)(ii) but would otherwise be unchanged.

Current § 73.21(b)(2)(iii) would be renumbered as § 73.22(a)(2)(iii) and changed to delete the words "Details of" to clarify that the features, devices, and systems in their entirety are a category of SGI to be protected as such.

Current § 73.21(b)(2)(iv) would be renumbered as § 73.22(a)(2)(iv) and would be otherwise unchanged.

Current § 73.21(b)(2)(v) would be renumbered as § 73.22(a)(2)(v) and would delete the words "radio-telephone" so as to encompass the more modern means of communications. This section would also delete the words "Details regarding" to clarify that all aspects of communications during

transport are included in this category of information.

Current § 73.21(b)(2)(vi) would be renumbered as § 73.22(a)(2)(vi) and would add the word "security" before the word "emergencies".

Section 73.22(a)(2)(vii) is new and its purpose would be to encompass information concerning the tactics and capabilities required to defend against attempted radiological sabotage or theft and diversion of formula quantities of special nuclear material or related information.

Section 73.22(a)(2)(viii) would be added to include as information to be protected as SGI, engineering or safety analyses and emergency planning procedures or scenarios relating to the protection of a facility or material if the unauthorized disclosure of that information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such facility or material.

Section 73.22(a)(3) is based on current § 73.21(b)(3), "Inspections, audits and evaluations," and would be broadened to cover specific requirements for Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities required to implement security measures. Detailed information regarding defects, weaknesses or vulnerabilities is generally not released because identical circumstances may apply to a licensee or applicant employing similar security measures. In addition, the types of inspections and reports within the scope of the section would not be limited to safeguards inspections and reports. This language would recognize that documents concerning other types of inspections could contain SGI.

Current § 73.21(b)(4), Correspondence, would be renumbered § 73.22(a)(4) and would be otherwise unchanged.

Section 73.22(a)(5) would be new and would reflect the authority of the Commission under Section 147.a. of the AEA to designate as SGI such other information as the Commission may determine by order or regulation could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft,

diversion, or sabotage of material or a facility (within the scope of § 73.22). The Commission, may from time to time, exercise its authority under section 147.a.⁸ of the AEA to define additional information as SGI and the public and other stakeholders would have notice as to what these additional definitions of SGI are, through orders or new regulations, that would specifically define SGI.

Section 73.22(b) is based on current § 73.21(c) through (i), which address access to SGI and specific requirements for protecting it from unauthorized disclosure. The Commission is proposing to re-structure part 73 to accommodate the separate handling requirements for SGI-M, imposed by order or regulation on certain byproduct, source, and special nuclear materials licensees. Proposed § 73.22 would contain the specific requirements for Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities required to implement security measures. Corresponding specific requirements for SGI-M relating to certain quantities of source and byproduct material, and special nuclear material of low or moderate strategic significance would be set forth in proposed § 73.23.

Section 73.22(b)(1) would state, as does current § 73.21(c)(1), the requirement that no person may have access to SGI unless the person has an established "need to know" the information and fits within described occupational categories (proposed § 73.22(b)(1)(i) through (vii)). The new § 73.22(b)(1)(i)(A) and (B) add the requirement that individuals authorized access to SGI by a nuclear power reactor licensee and non-power reactor licensees and applicants, demonstrate "trustworthiness and reliability" prior to such access. The Commission has also updated the descriptions in § 73.21(c)(1)(ii) through (vi) of some of the occupational groups and added a new group, as described below.

The description of the occupational category in § 73.22(b)(1)(i), (Commission, U.S. government, or licensee or applicant employee, agent, or contractor) would change the language in current § 73.21(c)(1)(i) from

⁸In the exercise of this authority, the Commission would make certain determinations and apply the minimum restrictions necessary to protect SGI.

“U.S. Government” to “Executive Branch” of the U.S. Government. This change is necessary because for purposes of access to SGI, members of Congress are covered separately in the occupational category specified in proposed § 73.22(b)(1)(i).

Additionally, new § 73.22(b)(1)(i)(A) would require that an individual authorized access to SGI by a nuclear power reactor facility applicant or licensee must undergo an FBI criminal history check and must demonstrate trustworthiness and reliability. Another new paragraph, § 73.22(b)(1)(i)(B) would be added, mandating that individuals to be authorized access to SGI by a non-power reactor facility applicant or licensee must also demonstrate trustworthiness and reliability. However, this demonstration would be based on a comprehensive background check or other means approved by the Commission in lieu of the FBI criminal history check.

Section 73.22(b)(1)(ii) is based on current § 73.21(c)(1)(ii) but would delete the phrase “a duly authorized committee of” [the Congress]. Under the Commission’s current regulations in § 73.21(c)(1)(ii), a member of a “duly authorized committee of the Congress” with a “need to know” SGI is given access to such information. This section of the regulations does not set forth the meaning of a “duly authorized committee.” If narrowly interpreted, this occupational category might only apply to members of Congress who serve on NRC oversight committees. The deletion in the proposed rule of the phrase “a duly authorized committee” [of the Congress] would mean that the authorization would extend to all members of Congress (with a “need to know” SGI). This change would be made because many members of Congress are not on NRC oversight committees, yet they may need access to SGI because of the presence of nuclear facilities or materials in their states or districts. As amended, the language would not alter the Commission’s current practices in responding to requests from members of Congress for access to SGI.

In addition, the authorization in current § 73.21(c)(1)(ii) does not extend to congressional staff. The Commission is not proposing to extend the authorization to congressional staff. On a case-by-case basis, with explicit authorization from the appropriate NRC office, the NRC staff could share SGI with a Congressional staff member with a “need to know” SGI and who otherwise meets the requirements for access to such information.

Section 73.22(b)(1)(iii) rennumbers current § 73.21(c)(1)(iii) and would be otherwise unchanged.

Section 73.22(b)(1)(iv) is based on current § 73.21(c)(1)(iv) but the word “representative” is being made plural to account for the fact that more than one representative may be designated under this occupational category. The plural form is consistent with similar language in the descriptions of occupational categories in current § 73.21(c)(1).

Current § 73.21(c)(1)(v) would be renumbered as paragraph (b)(1)(v) and the description of this occupational category would be changed to “employees” (which would include the current term “member”) of a state or local law enforcement authority who are responsible for responding to requests for assistance during safeguards or securities emergencies.

Section 73.22(b)(1)(vi) includes as an occupational category, State Radiation Control Program Directors and Homeland Security Advisors or their designated representatives. This category corresponds to § 73.23(b)(1)(iii).

Section 73.22(b)(1)(vii) is current § 73.21(c)(1)(vi) and substitutes the citation of 10 CFR § 2.709(f) for § 2.744(e) because the latter citation is outdated.

Section 73.22(b)(2) contains a statement contained in a recent Commission order⁹ that finds that individuals in the occupational categories described in § 73.22(b)(1)(ii) through § 73.22(b)(1)(vii)¹⁰ are considered to be trustworthy and reliable by virtue of their occupational status. For non-governmental individuals described in § 73.22(b)(1)(i), a determination of trustworthiness and reliability is required prior to granting access to SGI. Discretion must be exercised in granting access to these individuals. If there is any indication that the recipient would be unwilling or unable to provide proper protection for the SGI, they are not authorized to receive SGI-M.

⁹ e.g., “All Licensees Authorized to Manufacture or Initially Transfer Items Containing Radioactive Material for Sale or Distribution and Possess Certain Radioactive Material of Concern and All Other Persons Who Obtain Safeguards Information; Order Imposing Requirements for the Protection of Certain Safeguards Information (Effective Immediately)” (69 FR 3397, 3399; January 23, 2004).

¹⁰ Individuals (or in some cases, their designated representatives) in the following occupational groups are included: State Governors, representatives of the IAEA, employees of state or local law enforcement, State Radiation Control Program Directors and State Homeland Security Advisors, and individuals to whom disclosure is ordered pursuant to 10 CFR 2.709(f). (69 FR 3399; January 23, 2004).

Section 73.22(c) Protection While in Use or Storage

Section 73.22(c)(1) contains the identical requirement in current § 73.21(d), that while in use, matter containing SGI shall be under the control of an individual authorized access to SGI.

Under certain conditions the general control exercised over security zones or areas would be considered to meet this requirement. Some examples of these areas would be: Alarm stations, guard posts and guard ready rooms; engineering or drafting areas if visitors are escorted and information is not clearly visible; plant maintenance areas if access is restricted and information is not clearly visible; administrative offices (e.g., central records or purchasing) if visitors are escorted and information is not clearly visible. The primary consideration is limiting access to those who have a “need to know” and are authorized to have access. Section 73.22(c)(2) would be revised to limit access to lock combinations.

Section 73.22(d) Preparation and Marking of Documents or Other Matter

Section 73.22(d) would revise current § 73.21(e) to add in the title “or other matter,” to be consistent with the language in the substantive paragraphs that follow. In addition, a new provision would be added to require certification that a document or other matter contains SGI and the certification must set forth the name and title of the certifying official and the certification date. Also, portion marking would be required for correspondence to NRC. Such marking would have to be sufficient to allow the recipient to identify and distinguish those sections of the document or other matter containing the protected information from the information that is otherwise unprotected.

Section 73.22(e) Reproduction of Matter Containing Safeguards Information

Section 73.21(f) is renumbered to become § 73.22(e) and the text is revised to include direction for the use of digital copiers and to delete language regarding destruction of SGI, which has been relocated to § 73.22(i).

Section 73.22(f) External Transmission of Documents and Material

Section 73.22(f)(1) would amend § 73.21(g)(1) to set forth detailed requirements for packaging SGI when transmitted outside an authorized place of use or storage. These prescriptive requirements are consistent with the current practices of nuclear power

reactor licensees and the Commission now deems it necessary to require them to adequately protect SGI or SGI-M when such information is transmitted externally.

Section 73.22(f)(2) would amend § 73.21(g)(2) to conform to other changes made by this rulemaking.

Section 73.22(f)(3) would add language to current § 73.21(g)(3) to permit transmission of SGI by protected telecommunication circuits (including facsimile) or encryption (Federal Information Processing Standard). Both of these means of transmission must be approved by the appropriate NRC office.

Section 73.22(g) Processing of SGI on Electronic Systems

This section updates the title and expands the content of current § 73.21(h), "Use of automatic data processing (ADP) systems," to refer to the processing of SGI on electronic systems and to add specific requirements applicable to the computer processing of SGI.

Section 73.22(h) Removal From Safeguards Information Category

Section 73.22(h) revises current § 73.21(i) to add further restrictions on decontrolling SGI. One proposed change concerns the degree of care that must be exercised in removing information from the SGI category. The other new requirement would specify that the authority to determine that a document may be decontrolled shall be exercised only by the NRC or with NRC approval, or in consultation with the individual or organization that made the original determination, if possible. Removal from the SGI-M category is addressed in § 73.23(h).

Section 73.22(i) Destruction of Matter Containing SGI

Section 73.22(i) contains revised language from current § 73.21(f) to be consistent with the policies set forth in the orders regarding the destruction of documents.

New Section 73.23 Protection of Safeguards Information-Modified Handling: Specific Requirements.

This is a new section which would set forth the specific requirements for Safeguards Information—Modified Handling related to certain quantities of source and byproduct material and special nuclear material of moderate or low strategic significance, except for those materials covered under section 73.22. The term "SGI-M" would be used as the distinguishing marking for SGI relating to certain source, byproduct, and special nuclear material licensees. Section 73.23 is based on the

Commission's orders and threat advisories issued to certain byproduct materials licensees.

Section 73.23(a) Information To Be Protected

Section 73.23(a) sets forth the information to be protected in accordance with the handling requirements specified in § 73.23(c) through (i). In general terms, information deemed SGI-M is information the disclosure of which could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of materials or facilities subject to NRC jurisdiction. SGI-M is the designation and marking for SGI which is subject to these requirements. The overall measure for consideration of SGI-M is the usefulness of the information (security or otherwise) to an adversary in planning or attempting a malevolent act; the more specific the information, the more likely that it will be useful to an adversary.

Section 73.23(a) states that the specific types of information and documents to be protected as SGI-M include security-related requirements that must be protected from unauthorized disclosure such as protective measures, interim compensatory measures, and additional safety features. Sections 73.23(a)(1) through (a)(4) enumerate and describe the specific categories of SGI-M to be protected. These categories of information are based on those proposed in § 73.22(a)(1) through (a)(5), as applicable, which in turn update the types of information specified in current § 73.21(b)(1) through (b)(4). In reference to proposed § 73.23(a)(3)(i), regarding portions of certain inspection reports, evaluations, audits, or investigations, detailed information regarding defects, weaknesses or vulnerabilities is generally not released because identical circumstances may apply to licensees or applicants employing similar security measures. Section 73.23(a)(4) references correspondence as it pertains to this section.

Section 73.23(a)(5) would be new and would reflect the authority of the Commission under section 147a of the AEA to designate as SGI such other information as the Commission may determine by order or regulation could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft,

diversion, or sabotage of material or a facility (within the scope of § 73.22). The Commission, may from time to time, exercise its authority under section 147.a.¹¹ of the AEA to define additional information as SGI and the public and other stakeholders would have notice as to what these additional definitions of SGI are, through orders or new regulations, that would specifically define SGI.

Section 73.23(b)(1) addresses conditions for access to SGI-M. Authorization for access to SGI-M by licensee employees, agents, or contractors must be based on both an appropriate "need to know" determination by the licensee, as well as a determination concerning the trustworthiness and reliability of individuals having access to the information. Employees of an organization associated with the licensee's company, for example, a parent company, may be considered as employees of the licensee for access purposes. A recipient of SGI-M should be made aware that the information is SGI-M and those having access to it are subject to the requirements for its protection as well as civil and criminal sanctions for mishandling the information.

Section 73.23(b)(1)(ii) through (vi) describes occupational groups who are deemed to be trustworthy and reliable by virtue of their employment status. For non-governmental individuals in § 73.23(b)(1)(i) and (vii), a determination of trustworthiness and reliability is required. Discretion must be exercised in granting access to these individuals. If there is any indication that the recipient would be unwilling or unable to provide proper protection of the SGI-M, they are not authorized to receive SGI-M.

Section 73.23(b)(1)(ii) is identical to the current § 73.21(c)(1)(ii), except the phrase "a duly authorized committee of" [the Congress] would be deleted. Under the Commission's current regulations in § 73.21(c)(1)(ii), a member of a "duly authorized committee of the Congress" with a "need to know" SGI is given access to such information. This section of the regulations does not set forth the meaning of a "duly authorized committee." The deletion in the proposed rule of the phrase "a duly authorized committee" [of the Congress] would mean that the authorization would extend to all members of Congress (with a "need to know" SGI-

¹¹ In the exercise of this authority, the Commission would make certain determinations and apply the minimum restrictions necessary to protect SGI.

M). This change would be made because many members of Congress are not on NRC oversight committees, yet may need access to SGI-M because nuclear facilities or materials are located in their states or districts. As amended, the language would not alter the Commission's current practices in responding to requests from members of Congress for access to SGI.

In addition, the authorization in current § 73.21(c)(1)(ii) does not extend to Congressional staff. The Commission is not proposing to extend the authorization to Congressional staff. On a case-by-case basis, with explicit authorization from the appropriate NRC office, the NRC staff could share SGI-M with a Congressional staff member with a "need to know" SGI and who otherwise meets the requirements for access to such information.

Section 73.23(b)(1)(iii) corresponds to § 73.22(b)(1)(iii), which includes the Governor of a state or designated representatives as an occupational category presumed to be trustworthy and reliable for access to SGI.

Section 73.23(b)(1)(iv) is based on § 73.21(c)(1)(iv) and the only change is to make "representative" plural because that would be consistent with language for other occupational categories in which the plural form is used.

Section 73.23(b)(1)(v) corresponds to proposed § 73.22(b)(1)(v), in which the description of this occupational category would be changed to "employees" (which would include the current term "member") of a state or local law enforcement authority who are responsible for responding to requests for assistance during safeguards or securities emergencies.

Section 73.23(b)(1)(vi) is the same occupational category of individuals in § 73.22(b)(1)(vi). Because homeland security advisors is the correct title of the individuals to be included in this occupational category, that title is contained in proposed rule text.

Section 73.23(b)(1)(vii) corresponds to proposed § 73.22(c)(1)(vi), which is based on current § 73.21(c)(1)(vi). As proposed, this paragraph substitutes the citation of 10 CFR 2.709(f) for § 2.744(e) because the latter citation is outdated.

The subject of § 73.23(c) is protection of SGI-M while in use or storage. While in use, SGI-M shall be under the control of an individual authorized access to Safeguards Information Modified Handling. This requirement is satisfied if the SGI-M is attended by an authorized individual in certain locations even though the information is in fact not constantly being used. Examples of such locations include: Engineering or drafting areas, plant

maintenance areas, or administrative offices (e.g., central records or purchasing) if visitors are escorted and information is not clearly visible in these areas. Under certain conditions, the general control exercised over occupied security zones or areas would be considered to meet this requirement. SGI-M, therefore, within alarm stations or within continuously manned guard posts or ready rooms need not be locked in file drawers or storage containers. The primary consideration is limiting access to those who have a "need to know" and are otherwise authorized to have access.

Section 73.23(d) sets forth requirements for the preparation and marking of documents designated as SGI-M. Although the NRC defines what specific byproduct material information constitutes SGI-M, originators of documents are responsible for designating those documents that contain such information. All documents containing SGI-M in use or storage shall be marked in accordance with the requirements of § 73.23(d). As stated in current § 73.21(a) and by order,¹² since information protection procedures employed by State and local police forces are deemed to meet NRC requirements, documents in the possession of these agencies need not be marked as set forth in this paragraph.

Section 73.23(e) contains requirements governing the reproduction of matter containing SGI-M. Newer digital copiers which scan and retain images of documents represent a security concern. If the copier is retaining SGI-M information in memory, the copier cannot be connected to a network. It should be placed in a location that is cleared and controlled for the authorized processing of SGI-M information. Different copiers have different capabilities, including some which come with features that allow the memory to be erased. Each copier would have to be examined from a physical security perspective.

Section 73.23(f) concerns the external transmission of documents and material. Paragraph (f)(1) addresses the transmittal of Safeguards Information outside an authorized place of use and storage, requiring two sealed envelopes or wrappers and marking of the envelopes or wrappers. Within a facility, SGI-M may be transmitted using a single opaque envelope. It may also be transmitted within a facility without single or double wrapping, provided adequate measures are taken

to protect the material against unauthorized disclosure. Individuals transporting SGI-M should retain the documents in their personal possession at all times or ensure that the information is appropriately wrapped and also secured to preclude compromise by an unauthorized individual. SGI-M may be transported by any commercial delivery company that provides nationwide overnight service with computer tracking features, U.S. first class, registered, express, or certified mail, or by any individual authorized access pursuant to the requirements in § 73.23(b).

Section 73.23(g) describes the requirements for processing SGI-M on electronic systems. The basic objective of the restrictions is to prevent access and retrieval of stored SGI-M by unauthorized individuals, particularly from remote terminals. Specific files containing SGI-M will be password protected to preclude access by an unauthorized individual.

Removal from the SGI-M category is addressed in § 73.23(h), which contains requirements which are identical to those in § 73.22(h) for the removal from the SGI category. Thus, these requirements would specify when information is to be removed from the SGI-M category, the degree of care to be exercised in decontrolling a document, and the authority to determine that a document may be decontrolled.

Section 73.23(i) contains detailed requirements for destruction of matter containing SGI-M. These requirements cover methods to destroy documents containing SGI-M and set forth characteristics of a document which would be considered completely destroyed.

Section 73.57 contains requirements for criminal history checks of individuals granted unescorted access to a nuclear power facility or access to Safeguards Information by power reactor licensees.

Section 73.57(b)(2)(i) has been revised to include reference to § 73.22.

The language in § 73.57(b)(2)(ii), containing an exception to the fingerprinting requirement for the occupational categories of members of Congress and Governors of States, would be revised to be consistent with the proposed language in § 73.22(b)(1)(ii) and (iii) describing these same occupational categories.

Section 76.113 Formula Quantities of Strategic Special Nuclear Material—Category 1

The language of paragraph (c) would be changed to include a citation to new

¹² See, for example, the Order cited earlier as published in the **Federal Register** on January 23, 2004 (69 FR 3398).

§ 73.22, Protection of Safeguards Information: Specific Requirements.

Section 76.115 Special Nuclear Material of Moderate Strategic Significance—Category II

The language of this section would be changed to add a new paragraph (d) to state that the requirements for the protection of Safeguards Information pertaining to special nuclear material of moderate strategic significance (Category II) are contained in §§ 73.21 and 73.22.

Section 76.117 Special Nuclear Material of Low Strategic Significance—Category III

The language of this section would be changed to add a new paragraph (c) to state that the requirements for the protection of Safeguards Information pertaining to special nuclear material of low strategic significance (Category III) are contained in §§ 73.21 and 73.22.

Section 150.15 Persons Not Exempt

A change is also being proposed to part 150, "Exemptions and Continued Regulatory Authority in Agreement States and In Offshore Waters Under Section 274." Paragraph (a)(9) would be added to § 150.15, "Persons not exempt," to include the protection of SGI in the list of activities by persons in Agreement States that are not exempt from the Commission's licensing and regulatory requirements.

VI. Criminal Penalties

For the purpose of section 223 of the Atomic Energy Act (AEA), the Commission is proposing to amend 10 CFR parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76, and 150 under one or more of sections 147 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement.

VII. Agreement State Issues

The proposed changes to parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76, and 150 are considered to be Category NRC compatibility and therefore are areas of exclusive NRC authority. However, the proposed rule has been provided to the Agreement States for their review and comment prior to publication of draft rule text on the NRC Web site and the publication of the proposed rule in the **Federal Register**. The Agreement States of Illinois and Washington commented on the proposed rule. Both states expressed concern about the breadth of rule text reflecting the Commission's authority to prohibit the unauthorized disclosure of SGI relating to such quantities of special nuclear material,

source, and byproduct material as the Commission determines to be significant to the public health and safety or the common defense and security. In response to this concern, the Commission notes that it needs such broad authority to adequately protect SGI and section 147 of the AEA provides such authority to the Commission.

VIII. Plain Language

The Presidential Memorandum dated June 1, 1998, entitled "Plain Language in Government Writing," directed that the Government's writing be in plain language. This memorandum was published June 10, 1998 (63 FR 31883). The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

IX. Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC is using the following Government-unique standard: National Institute of Standards and Technology, Federal Information Processing Standard [FIPS] PUB–140–2, "Security Requirements for Cryptographic Modules," May 25, 2001. The NRC has determined that using this Government-unique standard is justified because no voluntary consensus standard has been identified that could be used instead. In addition, this Government-unique standard was developed using the same procedures used to create a voluntary consensus standard.

X. Finding of No Significant Impact: Environmental Assessment

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The basis for this determination is that the proposed rule relates to the designation, handling and protection of Safeguards Information and the collection of information on which a determination to grant individuals access to this information is based. The determination

of this environmental assessment is that there will be no significant environmental impacts from this action. However, the general public should note that the NRC is seeking public participation. Comments on any aspect of the environmental assessment may be submitted to the NRC as indicated under the **ADDRESSES** heading.

The NRC has sent a copy of the environmental assessment and proposed rule to every State Liaison Officer and requested comments on the environmental assessment.

XI. Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule has been submitted to the Office of Management and Budget for review and approval of the information collection requirements.

Type of Submission, New or Revision: Revision.

The Title of the Information Collection: 10 CFR 73, "Protection of Safeguards Information."

The Form Number if Applicable: Not applicable.

How often the collection is required: Licensees must mark and protect from unauthorized disclosure documents containing Safeguards Information or Safeguards Information designated for modified handling, on a continuous basis.

Who Will be Required or Asked to Report: Power reactor licensees and applicants, research and test reactor licensees and applicants, certificate holders and applicants, fuel cycle facility licensees and applicants, and certain other byproduct, source, and special nuclear material licensees and applicants.

An Estimate of the Number of Annual Responses: None.

The Estimated Number of Annual Respondents: 646 recordkeepers.

An Estimate of the Total Number of Hours Needed Annually to Complete the Requirement or Request: 5,926 (an average of 9 hours per recordkeeper).

Abstract: The NRC is amending its regulations for the protection of Safeguards Information to protect it from inadvertent release and unauthorized disclosure which might compromise the security of nuclear facilities and materials. The proposed amendments would be consistent with Commission practices reflected in previously issued Orders and advisories. The proposed amendments would affect certain licensees, information, and materials not currently

specified in the regulations but which are within the scope of the Commission's statutory authority.

The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques?

A copy of the OMB clearance package may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. The OMB clearance package and rule are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html> for 60 days after the signature date of this notice and are also available at the RuleForum site, <http://ruleforum.llnl.gov>.

Send comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the above issues, by March 14, 2005 to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail to infocollects@nrc.gov and to the Desk Officer, John A. Asalone, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0002), Office of Management and Budget, Washington, DC 20503. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. You may also e-mail comments to John_A._Asalone@omb.eop.gov or comment by telephone at (202) 395-4650.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

XII. Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The regulatory analysis is available for inspection in the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852. Single copies of the analysis may be obtained from the Office of the General Counsel, U.S. Nuclear Regulatory Commission, at 301-415-1633 or by e-mail at mur@nrc.gov. The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading.

XIII. Regulatory Flexibility Analysis

The NRC is seeking public comment on the potential impact of the proposed rule on small entities. The NRC particularly desires comment from small entities (*i.e.*, small businesses, small organizations, and small jurisdictions under the Regulatory Flexibility Act) as to how the proposed regulations will affect them and how the regulations may be tiered or otherwise modified to impose less stringent requirements on small entities while still adequately protecting the public health and safety or the common defense and security. Those small entities that offer comments on how the proposed regulations could be modified to take into account the differing needs of small entities should specifically discuss—

- (a) The licensee's size and how the proposed regulations would result in a significant economic burden upon the licensee as compared to a larger licensee;
- (b) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities;
- (c) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the licensee;
- (d) How the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing some special advantages to any particular individual or group;
- (e) How the proposed regulation, as modified, would still adequately protect public health and safety or the common defense and security.

Send comments to the NRC as indicated under the **ADDRESSES** heading.

The Commission is preparing an initial regulatory analysis of the impact

of this proposed rule on small entities. The NRC requests written comments on the analysis. Send comments to the NRC as indicated under the **ADDRESSES** heading.

XIV. Backfit Analysis

The Commission has concluded, on the basis of the documented evaluation in the draft regulatory analysis, that the majority of the requirements in the proposed rule are not backfits as defined in 10 CFR 50.109(a)(4)(ii), 70.76(a)(4)(iii), 72.62, and 76.76(a)(4)(ii). The Commission has also concluded that the requirements in the rule that constitute backfits are necessary to insure that the facilities and materials described in the proposed rule provide adequate protection to the public health and safety and are in accord with the common defense and security, as applicable. Therefore, a backfit analysis is not required and the cost-benefit standards of 10 CFR 50.109(a)(3), 70.76, 72.62, and 76.76, do not apply. The documented evaluation in the draft Regulatory Analysis includes a statement of the objectives of and the reasons for the backfits that would be required by the proposed rule and sets forth the Commission's conclusion that these backfits are not subject to the cost-benefit standards of 10 CFR 50.109(a)(3), 70.76, 72.62, and 76.76.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria,

Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 63

Criminal penalties, High-level waste, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Reporting and recordkeeping requirements.

10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 73

Criminal penalties, Export, Hazardous materials transportation, Import, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 76

Certification, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Security

measures, Special nuclear material, Uranium enrichment by gaseous diffusion.

10 CFR Part 150

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 2, 30, 40, 50, 52, 60, 63, 70, 71, 72, 73, 76 and 150.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

1. The authority citation for part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552; sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10143(f)), sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183i, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Sections 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161 b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201 (b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Section 2.205(j) also issued under Pub. L. 101–410, 104 Stat. 90, as amended by section 3100(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133), and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553, and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued

under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart M also issued under sec. 184 (42 U.S.C. 2234) and sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135).

2. Paragraph (f) of § 2.709 is amended to read as follows:

§ 2.709 Discovery against NRC staff.

* * * * *

(f) In the case of requested documents and records (including Safeguards Information referred to in sections 147 and 181 of the Atomic Energy Act, as amended) exempt from disclosure under § 2.390, but whose disclosure is found by the presiding officer to be necessary to a proper decision in the proceeding, any order to the Executive Director for Operations or a delegate of the Executive Director for Operations, to produce the document or records (or any other order issued ordering production of the document or records) may contain any protective terms and conditions (including affidavits of non-disclosure) as may be necessary and appropriate to limit the disclosure to parties in the proceeding, to interested States and other governmental entities participating under § 2.315(c), and to their qualified witnesses and counsel. When Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act, as amended, is received and possessed by a party other than the Commission staff, it must also be protected according to the requirements of § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable. The presiding officer may also prescribe additional procedures to effectively safeguard and prevent disclosure of Safeguards Information to unauthorized persons with minimum impairment of the procedural rights which would be available if Safeguards Information were not involved. In addition to any other sanction that may be imposed by the presiding officer for violation of an order issued pursuant to this paragraph, violation of an order pertaining to the disclosure of Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act, as amended, may be subject to a civil penalty imposed under § 2.205. For the purpose of imposing the criminal penalties contained in section 223 of the Atomic Energy Act, as amended, any order issued pursuant to this paragraph with respect to Safeguards Information is considered to be an order issued under section 161.b. of the Atomic Energy Act.

* * * * *

3. In § 2.1003, paragraph (a)(4)(iii) is revised to read as follows:

§ 2.1003 Availability of material.

(a) * * *

(4) * * *

(iii) Which constitutes Safeguards Information under § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

* * * * *

4. In § 2.1010, paragraph (b)(6) is revised to read as follows:

§ 2.1010 Pre-License application presiding officer.

* * * * *

(b) * * *

(6) Whether the material should be disclosed under a protective order containing such protective terms and conditions (including affidavits of nondisclosure) as may be necessary and appropriate to limit the disclosure to potential participants, interested governmental participants and parties in the proceeding, or to their qualified witnesses and counsel. When Safeguards Information, protected from disclosure under section 147 of the Atomic Energy Act of 1954, as amended, is received and possessed by a potential party, interested governmental participant, or party, other than the Commission staff, it shall also be protected according to the requirements of § 73.21 and the requirements in § 73.22 or § 73.23 of this chapter, as applicable. The Pre-License Application Presiding Officer may also prescribe such additional procedures as will effectively safeguard and prevent disclosure of Safeguards Information to unauthorized persons with minimum impairment of the procedural rights which would be available if Safeguards Information were not involved. In addition to any other sanction that may be imposed by the Pre-License Application Presiding Officer for violation of an order pertaining to the disclosure of Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act of 1954, as amended, the entity in violation may be subject to a civil penalty imposed pursuant to § 2.205. For the purpose of imposing the criminal penalties contained in section 223 of the Atomic Energy Act of 1954, as amended, any order issued pursuant to this paragraph with respect to Safeguards Information shall be deemed to be an order issued under section 161b of the Atomic Energy Act of 1954, as amended.

* * * * *

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

5. The authority citation for part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

6. In § 30.32, paragraph (j) is added to read as follows:

§ 30.32 Application for specific licenses.

* * * * *

(j) Each applicant for a license for byproduct material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security who prepares a physical security plan, security procedures for emergencies, or guard qualification and training procedures, shall protect the plans, procedures, and other related Safeguards Information against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.23 of this chapter, as applicable.

7. In § 30.34, paragraph (j) is added to read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(j) Each licensee subject to the requirements of part 73 of this chapter shall ensure that physical security plans, security procedures for emergencies, guard qualification and training procedures and other related Safeguards Information are protected against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.23 of this chapter, as applicable.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

8. The authority citation for part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232,

2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022); sec. 193, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

9. In § 40.31, paragraph (m) is added to read as follows:

§ 40.31 Application for specific licenses.

* * * * *

(m) Each applicant for a license for source material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security who prepares a physical security plan, security procedures for emergencies, or guard qualification and training procedures, shall protect the plans, procedures, and other related Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

10. In § 40.41, paragraph (h) is added to read as follows:

§ 40.41 Terms and conditions of licenses.

* * * * *

(h) Each licensee subject to the requirements of part 73 of this chapter shall ensure that physical security plans, security procedures for emergencies, guard qualification and training procedures and other related Safeguards Information are protected against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

11. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68

Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

12. In § 50.34, paragraph (e) is revised to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(e) Each applicant for a license to operate a production or utilization facility, who prepares a physical security plan, a safeguards contingency plan, or a guard qualification and training plan, shall protect the plans and other related Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements in § 73.22 or § 73.23 of this chapter, as applicable.

* * * * *

13. In § 50.54, paragraph (v) is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(v) Each licensee subject to the requirements of part 73 of this chapter shall ensure that physical security, safeguards contingency and guard qualification and training plans and other related Safeguards Information are protected against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements in § 73.22 or § 73.23 of this chapter, as applicable.

* * * * *

PART 52—EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS

14. The authority citation for part 52 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also

issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

15. In § 52.47, paragraph (c) is added to read as follows:

§ 52.47 Contents of applications.

* * * * *

(c) Each applicant for a standard design certification under this part shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.22 of this chapter, as applicable.

16. In § 52.79, paragraph (e) is added to read as follows:

§ 52.79 Contents of application; technical information.

* * * * *

(e) Each applicant for a combined license under this subpart shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.22 of this chapter, as applicable.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

17. The authority citation for part 60 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141), and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

18. In § 60.21, paragraph (d) is added to read as follows:

§ 60.21 Content of application.

* * * * *

(d) The applicant for a license to receive and possess source, special nuclear, and byproduct material at a geologic repository operations area sited, constructed, or operated in accordance with the Nuclear Waste Policy Act of 1982 shall protect as Safeguards Information in accordance with § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable, the detailed security

measures for physical protection of high-level radioactive waste, including the design for physical protection, the safeguards contingency plan, the security organization personnel training and qualification plan, and other related security information.

19. In § 60.42, paragraph (d) is added to read as follows:

§ 60.42 Conditions of license.

* * * * *

(d) The licensee shall ensure that the detailed security measures for physical protection of high-level radioactive waste, including the design for physical protection, the safeguards contingency plan, the security organization personnel training and qualification plan and other related security information is protected against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

PART 63—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN A GEOLOGIC REPOSITORY AT YUCCA MOUNTAIN, NEVADA

20. The authority citation for part 63 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2238, as amended (42 U.S.C. 10134, 10141), and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

21. In § 63.21, paragraph (d) is added to read as follows:

§ 63.21 Content of application.

* * * * *

(d) The applicant for a license to receive and possess source, special nuclear, and byproduct material at a geologic repository at Yucca Mountain, Nevada, shall protect as Safeguards Information in accordance with §§ 73.21 and 73.22 of this chapter, the detailed security measures for physical protection of high-level radioactive waste, including the design for physical protection, the safeguards contingency plan, and security organization personnel training and qualification plan and other related Safeguards Information.

22. In § 63.42, paragraph (e) is added to read as follows:

§ 63.42 Conditions of license.

* * * * *

(e) The licensee shall ensure that the detailed security measures for physical protection of high-level radioactive waste, including the design for physical protection, the safeguards contingency plan, and security organization personnel training and qualification plan and other related Safeguards Information is protected against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.22 of this chapter, as applicable.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

23. The authority citation for part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846). Sec. 193, 104 Stat. 2835 as amended by Pub.L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.81 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.82 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

24. In § 70.22, paragraph (l) is revised and paragraph (o) is added to read as follows:

§ 70.22 Contents of applications.

* * * * *

(l) Each applicant for a license to possess, use, transport, or deliver to a carrier for transport formula quantities of strategic special nuclear material, or more than 100 grams of irradiated reactor fuel, who prepares a physical security, safeguards contingency, or guard qualification and training plan shall protect these plans and other related Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

* * * * *

(o) Each applicant for a license to possess, use, transport or deliver to a carrier for transport special nuclear material of low or moderate strategic significance, who prepares a physical

security plan, safeguards contingency plan, or guard qualification and training plan shall protect these plans and other related security Information against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.23 of this chapter.

25. In § 70.32, paragraph (j) is revised and paragraph (l) is added to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(j) Each licensee who possesses a formula quantity of strategic special nuclear material, or who transports, or delivers to a carrier for transport, a formula quantity of strategic special nuclear material, special nuclear material of moderate strategic significance, or special nuclear material of low strategic significance, or more than 100 grams of irradiated reactor fuel shall ensure that physical security, safeguards contingency, and guard qualification and training plans and other related Safeguards Information are protected against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

* * * * *

(l) Each licensee who possesses, uses, transports, or delivers to a carrier for transport special nuclear material of moderate or low strategic significance and who prepares a physical security plan shall protect the plan and other related Safeguards Information against unauthorized disclosure in accordance with the requirements in §§ 73.21 and 73.23 of this chapter.

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

26. The authority citation for part 71 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2297f); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 71.97 also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

27. § 71.11 is added to read as follows:

§ 71.11 Protection of Safeguards Information.

Each licensee, certificate holder, or applicant for a Certificate of Compliance for a transportation package for transport of spent fuel, strategic special nuclear material, critical mass of special nuclear material, or byproduct material

in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security, shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

28. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

29. In § 72.22, paragraph (f) is added to read as follows:

§ 72.22 Contents of application: General and financial information.

* * * * *

(f) Each applicant for a license under this part to receive, transfer, and possess power reactor spent fuel, power reactor-related Greater than Class C (GTCC) waste, and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) shall protect Safeguards Information against

unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23, as applicable.

30. In § 72.44, paragraph (h) is added to read as follows:

§ 72.44 License conditions.

* * * * *

(h) Each licensee subject to the requirements of part 73 of this chapter shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23, as applicable.

31. In § 72.212, paragraph (b)(5)(v) is re-designated as (b)(5)(vi) and a new paragraph (b)(5)(v) is added to read as follows:

§ 72.212 Conditions of general license issued under § 72.210.

* * * * *

(b) * * *

(5) * * *

(v) Each general licensee that receives, transfers, and possesses power reactor spent fuel, power reactor-related Greater than Class C (GTCC) waste, and other radioactive materials associated with spent fuel storage shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

* * * * *

32. In § 72.236, paragraph (n) is added to read as follows:

§ 72.236 Specific requirements for spent fuel storage cask approval and fabrication.

* * * * *

(n) Safeguards Information shall be protected against unauthorized disclosure in accordance with the requirements of § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

33. The authority citation for part 73 continues to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 5841, 5844, 2297f); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399, 100 Stat. 876 (42 U.S.C. 2169).

34. In § 73.1, paragraph (b)(7) is revised to read as follows:

§ 73.1 Purpose and scope.

* * * * *

(b) * * *

(7) This part prescribes requirements for the protection of Safeguards Information (including the designation or marking: Safeguards Information—Modified Handling) in the hands of any person, whether or not a licensee of the Commission, who produces, receives, or acquires that information.

* * * * *

35. In § 73.2, new definitions *Individual Authorized Access to Safeguards Information*, *Individual Authorized Access to Safeguards Information—Modified Handling*, *Safeguards Information—Modified Handling Requirements* and *Trustworthiness and reliability*, are added in alphabetical order and the definition of *Safeguards Information* is revised to read as follows:

§ 73.2 Definitions.

* * * * *

Individual Authorized Access to Safeguards Information is an individual authorized to have access to and handle such information pursuant to the requirements of §§ 73.21 and 73.22 of this chapter.

Individual Authorized Access to Safeguards Information—Modified Handling Requirements is an individual authorized to have access to and handle such information pursuant to the requirements of §§ 73.21 and 73.23 of this chapter.

* * * * *

Safeguards Information means information not otherwise classified as National Security Information or Restricted Data which specifically identifies detailed control and accounting procedures for special nuclear material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security; detailed security measures (including security plans, procedures, and equipment) for the physical protection of source, byproduct, or special nuclear material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security; security measures for the physical protection and location of certain plant equipment vital to the safety of production or utilization facilities; and any other information the unauthorized disclosure of which, as determined by the Commission through order or regulation, could reasonably be expected to have a significant adverse

effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of radiological sabotage or theft or diversion of source, byproduct, or special nuclear material.

Safeguards Information—Modified Handling is the designation or marking applied to Safeguards Information which the Commission has determined requires handling requirements modified from those for other Safeguards Information.

* * * * *

Trustworthiness and reliability means positive attributes as an indication of an individual's background and character demonstrating a high level of confidence that the individual can be properly authorized to have access to and handle Safeguards Information and Safeguards Information—Modified Handling.

* * * * *

36. Section 73.21 is revised to read as follows:

§ 73.21 Protection of Safeguards Information: Performance Requirements.

(a) *General performance requirement.*

(1) Each licensee, applicant, or other person who produces, receives, or acquires Safeguards Information shall ensure that it is protected against unauthorized disclosure. To meet this general performance requirement, such licensees, applicants, or other persons subject to this section shall:

(i) For Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities required to implement security measures, establish, implement and maintain an information protection system that includes the applicable measures specified in § 73.22.

(ii) For Safeguards Information related to certain quantities of source and byproduct material and special nuclear material of moderate or low strategic significance, establish, implement, and maintain an information protection system that includes the measures specified in § 73.23.

(2) Information protection procedures employed by State and local police forces are deemed to meet the general performance requirement in § 73.21(a)(i).

(b) *Commission Authority.* Pursuant to section 147 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2167), the Commission may impose, by order

or regulation, Safeguards Information handling requirements different from those specified in § 73.21(a)(1) and (2) on any person who produces, receives, or acquires Safeguards Information.

37. Section 73.22 is added to read as follows:

§ 73.22 Protection of Safeguards Information: Specific Requirements.

This section contains specific requirements for the protection of Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities.

(a) *Information to be protected.* The types of information and documents that must be protected as Safeguards Information include security-related requirements such as protective measures, interim compensatory measures, additional security measures, and the following, as applicable:

(1) *Physical Protection at fixed sites.* Information not otherwise classified as Restricted Data or National Security Information relating to the protection of power reactors, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material, spent irradiated fuel in excess of 100 grams, and licensees authorized to possess a formula quantity of strategic nuclear material, including:

(i) All portions of the composite physical security plan for the facility or site.

(ii) Site specific drawings, diagrams, sketches, or maps that substantially represent the final design features of the physical security system.

(iii) Alarm system layouts showing the location of intrusion detection devices, alarm assessment equipment, alarm system wiring, emergency power sources, and duress alarms.

(iv) Written physical security orders and procedures for members of the security organization, duress codes, and patrol schedules.

(v) On-site and off-site communications systems in regard to their use for security purposes.

(vi) Lock combinations, mechanical key design, or passwords integral to the physical security system.

(vii) Documents and other matter that contain lists or locations of certain safety-related equipment explicitly identified in the documents as vital for purposes of physical protection, as contained in physical security plans,

safeguards contingency plans, or plant specific safeguards analyses.

(viii) All portions of the composite safeguards contingency plan for the facility or site.

(ix) All portions of the composite facility guard qualification and training plan disclosing features of the physical security system or response procedures.

(x) Information concerning onsite or offsite response forces, including size, identity, armament, and arrival times of such forces committed to respond to safeguards or security emergencies.

(xi) The elements and characteristics of the Design Basis Threat in a level of detail greater than as specified in § 73.1 or other information that would disclose the Design Basis Threat, including the tactics and capabilities required to defend against that threat.

(xii) Engineering and safety analyses, emergency planning procedures or scenarios, and other information related to the physical protection of the facility or materials if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of material or a facility.

(xiii) Information required by the Commission pursuant to 10 CFR 73.55(c)(8) and (9).

(2) *Physical protection in transit.* Information not otherwise classified as Restricted Data or National Security Information related to the protection of transportation of, or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, including:

(i) All portions of the composite transportation physical security plan.

(ii) Schedules and itineraries for specific shipments. (Routes and quantities for shipments of spent fuel are not withheld from public disclosure. Schedules for spent fuel shipments may be released 10 days after the last shipment of a current series.)

(iii) Vehicle immobilization features, intrusion alarm devices, and communications systems.

(iv) Arrangements with and capabilities of local police response forces, and locations of safe havens.

(v) Limitations of communications during transport.

(vi) Procedures for response to safeguards or security emergencies.

(vii) Information concerning the tactics and capabilities required to defend against attempted radiological sabotage, or theft and diversion of

formula quantities of special nuclear material, or related information.

(viii) Engineering or safety analyses, emergency planning procedures or scenarios related to the protection of the transported material if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material.

(3) *Inspections, audits and evaluations.* Information not otherwise classified as National Security Information or Restricted Data pertaining to inspections and reports that could affect the specific requirements for Safeguards Information related to power reactors, licensees authorized to possess a formula quantity of strategic special nuclear material, transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and fuel cycle facilities required to implement security measures including:

(i) Portions of inspection reports, evaluations, audits, or investigations that contain details of a licensee's or applicant's physical security system or that disclose uncorrected defects, weaknesses, or vulnerabilities in the system.

(ii) Reports of investigations containing general information may be released after the investigation has been completed, unless withheld pursuant to other authorities, e.g., the Freedom of Information Act (5 U.S.C. 552).

(4) *Correspondence.* Portions of correspondence insofar as they contain Safeguards Information as defined in paragraphs (a)(1) through (a)(3) of this paragraph.

(5) Other information that the Commission determines by order or regulation could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of material or a facility.

(b) *Conditions for access.* (1) Except as the Commission may otherwise authorize, no person may have access to Safeguards Information unless the person has an established "need to know" for the information and is:

(i) An employee, agent, or contractor of an applicant, a licensee, the Commission, or the Executive Branch of the United States Government. However,

(A) An individual to be authorized access to Safeguards Information by a nuclear power reactor applicant or licensee must demonstrate trustworthiness and reliability and undergo a Federal Bureau of Investigation criminal history check to the extent required by 10 CFR 73.57 prior to such access;

(B) Other individuals to be authorized access to Safeguards Information by an applicant or licensee covered by this section must demonstrate trustworthiness and reliability through a comprehensive background check or other means as approved by the Commission prior to such access;

(ii) A member of Congress;

(iii) The Governor of a State or designated representatives;

(iv) Representatives of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who has been certified by the NRC;

(v) Employees of a state or local law enforcement authority that are responsible for responding to requests for assistance during safeguards or security emergencies;

(vi) State Radiation Control Program Directors and State Homeland Security Advisors or their designated representatives; or

(vii) An individual to whom disclosure is ordered pursuant to § 2.709(f) of this chapter.

(2) The individuals described in (b)(1)(ii) through (vi) of this section are deemed to be trustworthy and reliable by virtue of their occupational status. For non-governmental individuals in (b)(1)(i) and (vii) of this section, a determination of trustworthiness and reliability is required.

(3) Except as the Commission may otherwise authorize, no person may disclose Safeguards Information to any other person except as set forth in paragraph (b)(1) of this section.

(c) *Protection while in use or storage.*

(1) While in use, matter containing Safeguards Information must be under the control of an individual authorized access to Safeguards Information. This requirement is satisfied if the Safeguards Information is attended by such an individual even though the information is in fact not constantly being used. Safeguards Information within alarm stations, continuously manned guard posts or ready rooms need not be locked in a locked security storage container.

(2) While unattended, Safeguards Information must be stored in a locked security storage container. The container may not identify the contents

of the matter contained and must preclude access by individuals not authorized access in accordance with the provisions of this section.

Knowledge of lock combinations protecting Safeguards Information must be limited to a minimum number of personnel for operating purposes who have a "need to know" and are otherwise authorized access to Safeguards Information in accordance with the provisions of this Part. Access to lock combinations must be strictly controlled so as to prevent disclosure to an unauthorized individual not authorized access to Safeguards Information.

(d) *Preparation and marking of documents or other matter.* (1) Each document or other matter that contains Safeguards Information as described in § 73.21(a)(1)(i) and this section must be marked "Safeguards Information" in a conspicuous manner on the top and bottom of each page to indicate the presence of protected information. The first page of each document must also contain:

(i) The name, title, and organization of the individual authorized to make a Safeguards Information determination, and who has determined that the document contains Safeguards Information;

(ii) The date the determination was made; and

(iii) An indication that unauthorized disclosure would be subject to civil and criminal sanctions.

(2) In addition to the "Safeguards Information" markings at the top and bottom of each page, transmittal letters or memoranda which do not in themselves contain Safeguards Information shall be marked to indicate that attachments or enclosures contain Safeguards Information but that the transmittal document does not (*e.g.*, "When separated from Safeguards Information enclosure(s), this document is decontrolled).

(3) Any transmittal document forwarding Safeguards Information must alert the recipient that protected information is enclosed. Certification that a document or other media contains Safeguards Information must include the name and title of the certifying official and date designated. Portion marking of documents or other information is required for correspondence to and from the NRC. The portion marking must be sufficient to allow the recipient to identify and distinguish those sections of the document or other information containing the Safeguards Information from non-Safeguards Information.

(4) Documents and other matter containing Safeguards Information in the hands of contractors and agents of licensees that were produced more than one year prior to the effective date of this amendment need not be marked unless they are removed from storage containers for use.

(5) The marking "SGI" must be used for Safeguards Information designated as such for the protection of facilities and material covered by 10 CFR 73.22.

(e) *Reproduction of matter containing Safeguards Information.* Safeguards Information may be reproduced to the minimum extent necessary consistent with need without permission of the originator. If Safeguards Information is reproduced on a digital copier that would retain Safeguards Information in its memory, then the copier may not be connected to a network.

(f) *External transmission of documents and material.* (1) Documents or other matter containing Safeguards Information, when transmitted outside an authorized place of use or storage, must be packaged in two sealed envelopes or wrappers to preclude disclosure of the presence of protected information. The inner envelope or wrapper must contain the name and address of the intended recipient and be marked on both sides, top and bottom, with the words "Safeguards Information." The outer envelope or wrapper must be opaque, addressed to the intended recipient, must contain the address of the sender, and may not bear any markings or indication that the document contains Safeguards Information.

(2) Safeguards Information may be transported by any commercial delivery company that provides nationwide overnight service with computer tracking features, U.S. first class, registered, express, or certified mail, or by any individual authorized access pursuant to these requirements.

(3) Except under emergency or extraordinary conditions, Safeguards Information must be transmitted electronically only by protected telecommunications circuits (including facsimile) or encryption (Federal Information Processing Standard [FIPS] 140-2) approved by the appropriate NRC office. For the purpose of this section, emergency or extraordinary conditions are defined as any circumstances that require immediate communications in order to report, summon assistance for, or respond to a safeguards or security event or an event that has potential security significance. Physical security events required to be reported pursuant to § 73.71 are

considered to be extraordinary conditions.

(g) *Processing of Safeguards Information on electronic systems.* (1) Safeguards Information may be stored, processed or produced on a stand-alone computer (or computer system) for processing of Safeguards Information. "Stand-alone" means a computer or computer system to which access is limited to individuals authorized access to Safeguards Information. A stand-alone computer or computer system may not be physically or in any other way connected to a network accessible by users who are not authorized access to Safeguards Information.

(2) Each computer not located within an approved and lockable security storage container that is used to process Safeguards Information must have a removable storage medium with a bootable operating system. The bootable operating system must be used to load and initialize the computer. The removable storage medium must also contain the software application programs, and all data must be processed and saved on the same removable storage medium. The removable storage medium must be secured in a locked security storage container when not in use.

(3) A mobile device (such as a laptop computer) may also be used for the automated processing of Safeguards Information provided the device is secured in a locked security storage container when not in use. Other systems may be used if approved for security by the appropriate NRC office.

(h) *Removal from Safeguards Information category.* Documents originally containing Safeguards Information must be removed from the Safeguards Information category whenever the information no longer meets the criteria contained in this part. Care must be exercised to ensure that any document decontrolled not disclose Safeguards Information in some other form or be combined with other unprotected information to disclose Safeguards Information. The authority to determine that a document may be decontrolled shall be exercised only by the NRC or with NRC approval, or in consultation with the individual or organization that made the original determination, if possible.

(i) *Destruction of matter containing Safeguards Information.* Documents or other media containing Safeguards Information must be destroyed when no longer needed. The information can be destroyed by tearing into small pieces, burning, shredding or any other method that precludes reconstruction by means available to the public at large. Piece

sizes one half inch or smaller composed of several pages or documents and thoroughly mixed would be considered completely destroyed.

38. Section 73.23 is added to read as follows:

§ 73.23 Protection of Safeguards Information-Modified Handling: Specific Requirements.

This section contains specific requirements for the protection of Safeguards Information related to certain quantities of source and byproduct material and special nuclear material of moderate or low strategic significance, except for those materials covered under § 73.22. The requirements of this section distinguish Safeguards Information requiring modified protection requirements (SGI-M) from Safeguards Information for facilities and materials needing a higher level of protection, as set forth in § 73.22.

(a) *Information to be protected.* The types of information and documents that must be protected as Safeguards Information include security-related requirements such as protective measures, interim compensatory measures, additional security measures, and the following, as applicable:

(1) *Physical Protection at fixed sites.* Information not otherwise classified as Restricted Data or National Security Information relating to source material, byproduct material, special nuclear material of moderate strategic significance, or special nuclear material of low strategic significance, in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security, including:

(i) All portions of the composite physical security plan for the facility or site.

(ii) Site specific drawings, diagrams, sketches, or maps that substantially represent the final design features of the physical security system.

(iii) Alarm system layouts showing location of intrusion detection devices, alarm assessment equipment, alarm system wiring, emergency power sources, and duress alarms.

(iv) Written physical security orders and procedures for members of the security organization, duress codes, and patrol schedules.

(v) On-site and off-site communications systems in regard to their use for security purposes.

(vi) Lock combinations, mechanical key design, or passwords integral to the physical security system.

(vii) Facility guard qualification and training procedures disclosing features

of the physical security system or response procedures.

(viii) Descriptions of security activities which disclose features of the physical security system or response measures.

(ix) Information concerning offsite response forces, including size, identity, armament, and arrival times of such forces committed to respond to safeguards or security emergencies.

(x) Engineering and safety analyses, emergency planning procedures or scenarios, and other information related to the physical protection of the facility or materials if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of material or a facility.

(2) *Physical protection in transit.* Information not otherwise classified as Restricted Data or National Security Information related to the protection of shipments of certain quantities of source material and byproduct material and special nuclear material of moderate or low strategic significance, except for those materials covered under § 73.22, and in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security, including:

(i) Information regarding security features of a transportation physical security plan (Scheduling and itinerary information may be shared with others on a "need to know" basis and is not designated as Safeguards Information-Modified Handling).

(ii) Arrangements with and capabilities of local police response forces, and locations of safe havens.

(iii) Limitations of communications during transport.

(iv) Procedures for response to safeguards or security emergencies.

(v) Engineering or safety analyses, emergency planning procedures or scenarios related to the protection of the transported material if the unauthorized disclosure of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of such material.

(3) *Inspections, audits and evaluations.* Information not otherwise classified as National Security Information or Restricted Data relating to inspections and reports, such as:

(i) Portions of inspection reports, evaluations, audits, or investigations that contain details of a licensee's or applicant's physical security system or that disclose uncorrected defects, weaknesses, or vulnerabilities in the system.

(ii) Reports of investigations containing general information may be released after the investigation has been completed, unless withheld pursuant to other authorities, e.g., the Freedom of Information Act (5 U.S.C. 552).

(4) *Correspondence.* Portions of correspondence insofar as they contain Safeguards Information, including the information in paragraphs (a)(1) through (a)(3) of this section.

(5) Other information that the Commission determines by order or regulation could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of theft, diversion, or sabotage of material or a facility.

(b) *Conditions for access.* (1) Except as the Commission may otherwise authorize, no person may have access to Safeguards Information unless the person has an established "need to know" for the information and is:

(i) An employee, agent, or contractor of an applicant, a licensee, the Commission, or the Executive Branch of the United States Government. Individuals authorized access to Safeguards Information by a source, byproduct, or special nuclear material applicant or licensee must demonstrate trustworthiness and reliability through a comprehensive background check or other means as approved by the Commission prior to such access;

(ii) A member of Congress;

(iii) The Governor of a State or designated representatives;

(iv) Representatives of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who has been certified by the NRC;

(v) Employees of a state or local law enforcement authority that are responsible for responding to requests for assistance during safeguards or security emergencies;

(vi) State Radiation Control Program Directors and State Homeland Security Advisors or their designated representatives; or

(vii) An individual to whom disclosure is ordered pursuant to § 2.709(f) of this chapter.

(2) The individuals described in paragraph (b)(1)(ii) through (vi) of this section are deemed to be trustworthy

and reliable by virtue of their occupational status. For non-governmental individuals in (b)(1)(i) and (vii) of this section, a determination of trustworthiness and reliability is required.

(3) Except as the Commission may otherwise authorize, no person may disclose Safeguards Information to any other person except as set forth in paragraph (b)(1) of this section.

(c) *Protection while in use or storage.*

(1) While in use, matter containing Safeguards Information must be under the control of an individual authorized access to such information. This requirement is satisfied if the Safeguards Information is attended by such an individual even though the information is in fact not constantly being used. Safeguards Information within alarm stations, continuously manned guard posts or ready rooms need not be locked in a file drawer or cabinet.

(2) While unattended, Safeguards Information must be stored in a locked file drawer or cabinet. The container may not identify the contents of the matter contained and must preclude access by individuals not authorized access in accordance with the provisions of this section. Knowledge of lock combinations or access to keys protecting Safeguards Information must be limited to a minimum number of personnel for operating purposes who have a "need to know" and are otherwise authorized access to Safeguards Information in accordance with the provisions of this Part. Access to lock combinations must be strictly controlled so as to prevent disclosure to an individual not authorized access to Safeguards Information.

(d) *Preparation and marking of documents or other matter.* (1) Each document or other matter that contains Safeguards Information as described in § 73.23(a) and in this section must be marked "SGI—Modified Handling" in a conspicuous manner on the top and bottom of each page to indicate the presence of protected information. The first page of the document must also contain:

(i) The name, title, and organization of the individual authorized to make a Safeguards Information—Modified Handling safeguards information designation, and who has determined that the document contains Safeguards Information;

(ii) The date the determination was made; and

(iii) An indication that unauthorized disclosure would be subject to civil and criminal sanctions.

(2) In addition to the "SGI—Modified Handling" markings at the top and bottom of each page, transmittal letters or memoranda which do not in themselves contain Safeguards Information must be marked to indicate that attachments or enclosures contain Safeguards Information but that the transmittal does not (e.g., "When separated from Safeguards Information—Modified Handling enclosure(s), this document is decontrolled").

(3) Any transmittal document forwarding Safeguards Information must alert the recipient that protected information is enclosed. Certification that a document or other media contains Safeguards Information must include the name and title of the certifying official and date designated. Portion marking of documents or other information is required for correspondence to and from the NRC. The portion marking must be sufficient to allow the recipient to identify and distinguish those sections of the document or other information containing the Safeguards Information from non-Safeguards Information. Documents and other matter containing Safeguards Information in the hands of contractors and agents of licensees that were produced more than one year prior to the effective date of this amendment need not be marked unless they are removed from storage containers for use.

(e) *Reproduction of matter containing Safeguards Information.* Safeguards Information may be reproduced to the minimum extent necessary, consistent with need, without permission of the originator. If Safeguards Information is reproduced on a digital copier that would retain Safeguards Information in its memory, then the copier may not be connected to a network.

(f) *External transmission of documents and material.* (1) Documents or other matter containing Safeguards Information, when transmitted outside an authorized place of use or storage, must be packaged in two sealed envelopes or wrappers to preclude disclosure of the presence of protected information. The inner envelope or wrapper must contain the name and address of the intended recipient and be marked on both sides, top and bottom, with the words "SGI—Modified Handling." The outer envelope or wrapper must be opaque, addressed to the intended recipient, must contain the address of the sender, and must not bear any markings or indication that the document contains Safeguards Information.

(2) Safeguards Information may be transported by any commercial delivery

company that provides nationwide overnight service with computer tracking features, U.S. first class, registered, express, or certified mail, or by any individual authorized access pursuant to these requirements.

(3) Except under emergency or extraordinary conditions, Safeguards Information must be transmitted electronically only by protected telecommunications circuits (including facsimile) or encryption (Federal Information Processing Standard [FIPS] 140-2) approved by the appropriate NRC office. For the purpose of this section, emergency or extraordinary conditions are defined as any circumstances that require immediate communications in order to report, summon assistance for, or respond to a security event or an event that has potential security significance. Physical security events required to be reported pursuant to § 73.71 are considered to be extraordinary conditions.

(g) *Processing of Safeguards Information on electronic systems.* (1) Safeguards Information designated for modified handling may be stored, processed or produced on a computer or computer system, provided that the system is assigned to the licensee's or contractor's facility. Each file containing Safeguards Information must be protected, either by a password or encryption, to prevent unauthorized individuals from gaining access. Word processors such as typewriters are not subject to these requirements as long as they do not transmit information off-site. (Note: if Safeguards Information is produced on a typewriter, the ribbon must be removed and stored in the same manner as other Safeguards Information or media.)

(2) Safeguards Information files may be transmitted over a network if the file is encrypted. In such cases, the licensee will select a commercially available encryption system that the National Institute of Standards and Technology (NIST) has validated as conforming to Federal Information Processing Standards (FIPS). Safeguards Information files shall be properly labeled as "SGI-Modified Handling" and saved to removable media and stored in a locked file drawer or cabinet.

(3) A mobile device (such as a laptop computer) may also be used for the automated processing of Safeguards Information provided the device is secured in an appropriate locked storage container when not in use. Other systems may be used if approved for security by the appropriate NRC office.

(h) *Removal from Safeguards Information category.* Documents originally containing Safeguards

Information must be removed from the Safeguards Information category whenever the information no longer meets the criteria contained in this part. Care must be exercised to ensure that any document decontrolled shall not disclose Safeguards Information in some other form or be combined with other unprotected information to disclose Safeguards Information. The authority to determine that a document may be decontrolled must be exercised only by the NRC or with NRC approval or in consultation with the individual or organization that made the original determination, if possible.

(i) *Destruction of matter containing Safeguards Information.* Documents or other media containing Safeguards Information shall be destroyed when no longer needed. The information can be destroyed by tearing into small pieces, burning, shredding or any other method that precludes reconstruction by means available to the public at large. Piece sizes one half inch or smaller composed of several pages or documents and thoroughly mixed would be considered completely destroyed.

39. In § 73.57 paragraphs (b)(2)(i) and (ii) are revised to read as follows:

§ 73.57 Requirements for criminal history checks of individuals granted unescorted access to a nuclear power facility or access to Safeguards Information by power reactor licensees.

* * * * *

(b) * * *

(2) * * *

(i) For unescorted access to the nuclear power facility or for access to Safeguards Information (but must adhere to provisions contained in §§ 73.21 and 73.22): NRC employees and NRC contractors on official agency business; individuals responding to a site emergency in accordance with the provisions of § 73.55(a); a representative of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement at designated facilities who has been certified by the NRC; law enforcement personnel acting in an official capacity; State or local government employees who have had equivalent reviews of FBI criminal history data; and individuals employed at a facility who possess "Q" or "L" clearances or possess another active government granted security clearance, i.e., Top Secret, Secret, or Confidential;

(ii) For access to Safeguards Information only but must adhere to provisions contained in §§ 73.21 and 73.22: Employees of other agencies of the United States Government; a member of the Congress; the Governor

of a State or his or her designated representatives; individuals to whom disclosure is ordered pursuant to § 2.709(f) of this chapter;

* * * * *

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

40. The authority citation for part 76 continues to read as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, secs. 1312, 1701, as amended, 106 Stat. 2932, 2951, 2952, 2953, 110 Stat. 1321-349 (42 U.S.C. 2201, 2297b-11, 2297f); secs. 201, as amended, 204, 206, 88 Stat. 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846). Sec. 234(a), 83 Stat. 444, as amended by Pub. L. 104-134, 110 Stat. 1321, 1321-349 (42 U.S.C. 2243(a)); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Sec. 76.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sec. 76.22 is also issued under sec. 193(f), as amended, 104 Stat. 2835, as amended by Pub. L. 104-134, 110 Stat. 1321, 1321-349 (42 U.S.C. 2243(f)). Sec. 76.35(j) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

41. In § 76.113, paragraph (c) is revised to read as follows:

§ 76.113 Formula quantities of strategic special nuclear material—Category I.

* * * * *

(c) The requirements for the protection of Safeguards Information pertaining to formula quantities of strategic special nuclear material (Category I) are contained in §§ 73.21 and 73.22 of this chapter. Information designated by the U.S. Department of Energy as Unclassified Controlled Nuclear Information must be protected at a level equivalent to that accorded Safeguards Information.

* * * * *

42. In § 76.115, paragraph (d) is added to read as follows:

§ 76.115 Special nuclear material of moderate strategic significance—Category II.

* * * * *

(d) The requirements for the protection of Safeguards Information pertaining to special nuclear material of moderate strategic significance—Category II are contained in §§ 73.21 and 73.22 of this chapter.

43. In § 76.117, paragraph (c) is added to read as follows:

§ 76.117 Special nuclear material of low strategic significance—Category III.

* * * * *

(c) The requirements for the protection of Safeguards Information pertaining to special nuclear material of low strategic significance—Category III are contained in §§ 73.21 and 73.22 of this chapter.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

44. The authority citation for part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

45. In § 150.15, paragraph (a)(9) is added to read as follows:

§ 150.15 Persons not exempt.

* * * * *

(a) * * *

(9) The requirements for the protection Safeguards Information in §§ 73.21 and 73.23 of this chapter.

* * * * *

Dated at Rockville, Maryland this 7th day of February 2005.

For the Nuclear Regulatory Commission,
Annette L. Vietti-Cook,
Secretary of the Commission.

[FR Doc. 05–2665 Filed 2–10–05; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–20006; Directorate Identifier 2004–CE–49–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Limited Models B4–PC11, B4–PC11A, and B4–PC11AF Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Pilatus Aircraft Limited (Pilatus) Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes. This proposed AD would require you to repetitively inspect the control-column support for cracks and,

if any cracks are found, replace the control-column support with a new support. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. We are issuing this proposed AD to detect and correct cracks in the control-column support, which could result in failure of the support. This failure could lead to loss of the primary flight control system.

DATES: We must receive any comments on this proposed AD by March 18, 2005.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

- **Fax:** 1–202–493–2251.
- **Hand Delivery:** Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this proposed AD, contact Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; e-mail: fodermatt@pilatus-aircraft.com or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040.

To view the comments to this proposed AD, go to <http://dms.dot.gov>. This is docket number FAA–2004–20006.

FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include the docket number, “FAA–2004–20006; Directorate Identifier 2004–CE–49–AD” at the

beginning of your comments. We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA–2004–20006. You may review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <http://dms.dot.gov>.

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD docket that contains the proposal, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at <http://dms.dot.gov>. The comments will be available in the AD docket shortly after the DMS receives them.

Discussion

What events have caused this proposed AD? The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on all Pilatus Aircraft Limited (Pilatus) Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes. The FOCA reports nine occurrences of cracks in the support of the control-column (part number (P/N) 112.35.11.072).

What is the potential impact if FAA took no action? Cracks in the control-column support could result in failure and lead to loss of the primary flight control system.

Is there service information that applies to this subject? Pilatus has issued Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004.

What are the provisions of this service information? The service bulletin includes procedures for:

- Inspecting the control-column support (P/N 112.35.11.072) for cracks; and
- Replacing the control-column support if any cracks are found.

What action did the FOCA take? The FOCA classified this service bulletin as mandatory and issued Swiss AD Number HB 2004–491, dated December 23, 2004, to ensure the continued airworthiness of these sailplanes in Switzerland.

Did the FOCA inform the United States under the bilateral airworthiness agreement? These Pilatus Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes are manufactured in

Switzerland and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, the FOCA has kept us informed of the situation described above.

FAA’s Determination and Requirements of This Proposed AD

What has FAA decided? We have examined the FOCA’s findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other Pilatus Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes of the same type design that are registered in the United States, we are proposing AD action to detect and correct cracks in the control-column support, which could result in failure of the support. This failure could lead to loss of the primary flight control system.

proposed inspection. We have no way of determining the number of sailplanes

Regulatory Findings

Would this proposed AD impact various entities? We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA’s AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many sailplanes would this proposed AD impact? We estimate that this proposed AD affects 32 sailplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected sailplanes? We estimate the following costs to do this proposed inspection of the control-column support:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
1 work hour × \$65 per hour = \$65	Not applicable	\$65	32 × \$65 = \$2,080.

that may need this replacement of the control-column support:

Labor cost	Parts cost	Total cost per sailplane
5 work hours × \$65 per hour = \$325	\$250	\$575

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include “AD Docket FAA–2004–20006; Directorate Identifier 2004–CE–49–AD” in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Pilatus Aircraft Limited: Docket No. FAA–2004–20006; Directorate Identifier 2004–CE–49–AD

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by March 18, 2005.

What Other ADs Are Affected By This Action?

(b) None.

What Sailplanes Are Affected by This AD?

(c) This AD affects Models B4–PC11, B4–PC11A, and B4–PC11AF sailplanes, all serial numbers, that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified in this AD are intended to detect and correct cracks in the control-column support, which could result in failure of the support. This failure could lead to loss of the primary flight control system.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect the control-column support (part number (P/N) 112.35.11.072) for cracks.	Within 12 calendar months after the last inspection under Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 1, dated April 9, 2003, or Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004, where no cracks were found or within the next 30 days after the effective date of this AD, whichever occurs later, unless already done. Repetitively inspect thereafter at intervals not to exceed every 12 calendar months regardless of whether the control-column support was replaced.	Follow Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004.
(2) If any cracks are found after the inspection required by paragraph (e)(1) of this AD, replace the control-column support (P/N 112.35.11.072) with a new control-column support (P/N 112.35.11.072).	Before further flight after the inspection required by paragraph (e)(1) of this AD where you found the crack. Continue the repetitive inspections required by paragraph (e)(1) of this AD.	Follow Pilatus Aircraft Ltd. Service Bulletin No. 1005, Revision No. 2, dated April 22, 2004.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

May I Obtain a Special Flight Permit for the Initial Inspection Requirement of This AD?

(g) No. Special flight permits are not allowed for this AD.

Is There Other Information That Relates to This Subject?

(h) Swiss AD Number HB 2004–491, dated December 23, 2004, also addresses the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(i) To get copies of the documents referenced in this AD, contact Pilatus Aircraft

Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6208; facsimile: +41 41 619 7311; email: fodermatt@pilatus-aircraft.com or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at <http://dms.dot.gov>. This is docket number FAA–2004–20006.

Issued in Kansas City, Missouri, on February 7, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–2696 Filed 2–10–05; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 05–74; MB Docket No. 05–17, RM–11113, RM–11114]

Radio Broadcasting Services; Connersville, IN, Erlanger, KY, Lebanon, KY, Lebanon Junction, KY, Madison, IN, Richmond, IN, New Haven, KY, Norwood, OH, and Springfield, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on two petitions that are mutually exclusive filed by Rodgers Broadcasting Corporation, licensee of Station WIFE(FM), Channel 262B at Connersville, Indiana; and jointly filed by Washington County CBC, Inc., licensee of Station WAKY–FM, Channel 274A, Springfield, Kentucky, Elizabethtown CBC, Inc., licensee of Station WTHX(FM), Channel 297A, Lebanon Junction, Kentucky and CBC of

Marion County, Inc., licensee of Station WLSK(FM), Channel 265C3, Lebanon, Kentucky. See Supplementary Information.

DATES: Comments must be filed on or before March 21, 2004, and reply comments on or before April 5, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Mark N. Lipp, Esq., J. Thomas Nolan, Esq., Scott Woodworth, Esq., Counsel, Rodgers Broadcasting Corporation, Vinson & Elkins, LLP, 1455 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004 and John F. Garziglia, Esq., Howard Barr, Esq., Counsel for Washington County CBC, Inc., Elizabethtown CBC, Inc., and CBC of Marion County, Inc., Womble Carlyle Sandridge & Rice, PLLC, 1401 Eye Street, NW., Seventh Floor, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 05-17, adopted January 26, 2005 and released January 28, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

The first proposal, filed by Rodgers Broadcasting seeks the substitution of Channel 262A for Channel 262B at Connersville, Indiana, reallocation of Channel 262A from Connersville, Indiana to Norwood, Ohio, as its first local service and modification of Station WIFE(FM) license accordingly. Rodgers Broadcasting also requests the substitution of Channel *265A for vacant Channel *266A at Madison, Indiana; substitution of Channel 267B1 for Channel 267B at Richmond, Indiana and modification of the FM Station WFMG license; substitution of Channel 266A for Channel 265A at Erlanger, Kentucky and modification of the FM Station WIZF license; and substitution of Channel 265A for Channel 265C3 at Lebanon, Kentucky and modification of the WLSK(FM) license. Channel 262A

can be allotted to Norwood provided there is a site restriction of 9.4 kilometers (5.8 miles) southwest at coordinates 39-07-19 NL and 84-32-52 WL. Channel 266A can be allotted to Erlanger at Station's WIZF current license site at coordinates 39-06-18 NL and 84-33-24 WL. Channel 265A can be allotted to Madison at its current reference site at coordinates 38-49-15 NL and 85-18-46 WL. Channel 267B1 can be allotted to Richmond provided there is a site restriction of 11.6 kilometers (7.2 miles) northwest at coordinates 39-55-09 NL and 84-57-47 WL. Channel 265A can be allotted to Lebanon provided there is a site restriction 9.6 kilometers (6.0 miles) northeast at coordinates 37-38-50 NL and 85-11-50 WL.

The second proposal, jointly filed by Washington County CBC, Inc., licensee of Station WAKY-FM, Channel 274A, Springfield, Kentucky, Elizabethtown CBC, Inc. requests the reallocation of Channel 297A from Lebanon Junction to New Haven, Kentucky, as its first local service and modification of the Station WTHX(FM) license. To prevent removal of Lebanon Junction's sole local service, the Joint Petitioners proposes the reallocation of Channel 274A from Springfield to Lebanon Junction, Kentucky and modification of the Station WAKY-FM license. Moreover, to prevent removal of Springfield's sole local service, the Joint Petitioners requests the substitution of Channel 265A for Channel 265C3 at Lebanon, Kentucky, reallocation of Channel 265A from Lebanon to Springfield, Kentucky and modification of the Station WLSK(FM) license. Channel 297A can be reallocated to New Haven provided there is a site restriction 12.4 kilometers (7.7 miles) northwest at coordinates 37-43-00 NL and 85-42-38 WL. Channel 274A can be reallocated to Lebanon Junction provided there is a site restriction 13.8 kilometers (8.6 miles) southeast at coordinates 37-46-07 NL and 85-35-57 WL. Channel 265A can be reallocated to Springfield provided there is a site restriction 4.8 kilometers (3.0 miles) at coordinates 37-38-50 NL and 85-11-50 WL.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by removing Connersville, Channel 262B, by removing Channel *266A and adding Channel *265A at Madison, by removing Channel 267B and by adding Channel 267B1 at Richmond.

3. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 265A and adding Channel 266A at Erlanger, by removing Lebanon, Channel 265C3, by removing Channel 297A and adding Channel 274A at Lebanon Junction, by adding New Haven, Channel 297A and by removing Channel 274A and adding Channel 265A at Springfield.

4. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding Norwood, Channel 262A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-2705 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05-76; MB Docket No. 05-16; RM-11143]

Radio Broadcasting Services; Richlands, Shallotte, Topsail Beach, and Wrightsville Beach, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by Sea-Comm, Inc., ("Petitioner"), licensee of FM Stations WBNU, Shallotte, North Carolina; WWTB, Topsail Beach, North Carolina, and WBNE, Wrightsville Beach, North

Carolina. Petitioner proposes to upgrade Channel 279C3, Station WBNU, to Channel 279C2 and reallocate Channel 279C2 from Shallotte to Wrightsville Beach, North Carolina; to downgrade Channel 280C3, Station WWTB, to Channel 281A and to reallocate Channel 281A from Topsail Beach to Richlands, North Carolina; and to upgrade Station Channel 229A, Station WBNE, to Channel 229C3 and reallocate Channel 229C3 from Wrightsville Beach to Topsail Beach. The coordinates for proposed Channel 279C2 at Wrightsville Beach are 33–59–56 NL and 77–54–35 WL, with a site restriction of 25.4 kilometers (15.8 miles) southwest of Wrightsville Beach. The coordinates for proposed Channel 281A at Richlands are 34–49–40 NL and 77–27–30 WL, with a site restriction of 12.9 kilometers (8.0 miles) southeast of Richlands. The coordinates for proposed Channel 229C3 at Topsail Beach are 34–25–37 NL and 77–38–33 WL, with a site restriction of 7.0 kilometers (4.3 miles) north of Topsail Beach.

Since Petitioner's reallocation proposals comply with the provisions of Section 1.420(i) of the Commission's rules, the Commission will not accept competing expressions of interest in the use of Channel 279C2 at Wrightsville Beach, the use of Channel 281A at Richlands, or the use of Channel 229C3 at Topsail Beach, or require the Petitioner to demonstrate the availability of additional equivalent class channels in those communities.

DATES: Comments must be filed on or before March 21, 2005, and reply comments on or before April 5, 2005.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John Griffith Johnson, Jr., Esq.; Paul, Hastings, Janofsky & Walker, LLP; 1299 Pennsylvania Avenue, NW., Tenth Floor; Washington, DC 20004–2400.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 05–16, adopted January 26, 2005, and released January 28, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., CY-A257, Washington, DC 20554. This document may also be purchased from the

Commission's duplicating contractors, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1–800–378–3160 or <http://www.BCPIWEB.com>.

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Richlands, Channel 281A, by removing Channel 279C3 at Shallotte; by removing Channel 280C3 and adding Channel 229C3 at Topsail Beach; and by removing Channel 229A and adding Channel 279C2 at Wrightsville Beach.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–2704 Filed 2–10–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–73; MB Docket No. 05–13, RM–11078; MB Docket No. 05–14; RM 11088; MB Docket No. 05–15, RM–11148]

Radio Broadcasting Services; Groveland, CA and Powers, OR; Zapata, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comments on a petition filed by 105 Mountain Air, Inc., proposing the allotment of Channel 264A at Groveland, California, as the community's first local commercial FM transmission service. Channel 264A can be allotted to Groveland in compliance with the Commission's minimum distance city reference coordinates. The coordinates for Channel 264A at Groveland are 37–50–45 North Latitude and 120–12–00 West Longitude.

The Audio Division requests comments on a petition filed by Mike Chavez proposing the allotment of Channel 293C2 at Powers, Oregon, as the community's first local aural transmission service. Channel 293C2 can be allotted to Powers in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 293C2 at Powers are 42–53–01 North Latitude and 124–04–19 West Longitude. See Supplementary Information, *infra*.

DATES: Comments must be filed on or before March 21, 2005, reply comments on or before April 5, 2005.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert Eurich, President, 105 Mountain Air, Inc., 7179 N. Van Ness, Fresno, California 93711 (Petitioner); and Mikel Chavez, P.O. Box 400, Coquille, Oregon 97423 (Petitioner); Jeraldine Anderson, 1702 Cypress Drive, Irving, Texas 75061 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 05–13, MB Docket No. 05–14, MB Docket No. 05–15, adopted January 26, 2005, and released January 28, 2005. The full text of this Commission

decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

The Audio Division requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 292A at Zapata, Texas, as the community's fourth local FM transmission service. Channel 292A can be allotted to Zapata in compliance with the Commission's minimum distance with a site restriction of 9.0 kilometers (5.6 miles) south to avoid a short-spacing to the licensed site of Station KPSO-FM, Channel 292A, Falfurria, Texas. The coordinates for Channel 292A at Zapata are 26-49-57 North Latitude and 99-14-25 West Longitude. Since Zapata is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Groveland, Channel 264A.

3. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Powers, Channel 293C2.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 292A at Zapata.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05-2703 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

RIN 2127-A184

Federal Motor Vehicle Safety Standards; Low Speed Vehicles; Termination of Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: The purpose of this document is to announce the termination of a rulemaking in which the agency had considered adding additional conspicuity requirements applicable to low-speed vehicles (LSV), as well as a requirement that LSVs bear a label identifying the safety hazards associated with their operation in mixed traffic. Due to the absence of data showing a conspicuity-related safety problem with current LSV designs, the agency has decided to terminate the rulemaking.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, contact Mr. William D. Evans, Office of Crash Avoidance Standards, phone (202) 366-2272. For legal issues, contact Christopher Calamita, Office of Chief Counsel, phone (202) 366-2992. You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

On June 17, 1998, NHTSA published a final rule establishing Federal Motor Vehicle Safety Standard (FMVSS) No. 500, "Low-speed vehicles," and added a definition of "low-speed vehicle" to 49 CFR 571.3 (63 FR 33194). This new FMVSS and vehicle classification responded to the growing public use of golf cars and other similar-sized small vehicles to make short trips for shopping, social and recreational

purposes primarily within retirement or planned communities. An LSV is defined in 49 CFR 571.3 as a 4-wheeled motor vehicle, other than a truck, whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface. Due to their small size, low operating speed and restricted area of use, LSVs are excluded from many of the FMVSSs that apply to conventional, higher-speed motor vehicles. LSVs are not required to have doors or bumpers and are not required to meet any crashworthiness tests. However, FMVSS No. 500 does require LSVs certified for use on public roads to be equipped with certain safety equipment: Headlamps, front and rear turn signal lamps, tail lamps, stop lamps, rear reflex reflectors mounted on each side, a reflex reflector mounted on the rear, rearview mirrors, a parking brake, a windshield of AS-1 or AS-4 glazing composition and Type 1 or Type 2 seat belt assemblies that conform to FMVSS No. 209 at each designated seating position.

On January 9, 2002, the agency received a petition for rulemaking from General Motors Corporation (GM). GM requested that the agency amend Standard No. 500 to require all low-speed vehicles to be equipped with a label identifying the safety hazards associated with their operation in mixed traffic, and additional conspicuity features. NHTSA granted the petition from GM.

On July 12, 2002, NHTSA published a notice of proposed rulemaking (NPRM) (67 FR 46149) proposing the LSV warning label and additional conspicuity requirements. Specifically, the agency proposed that LSVs be required to bear a warning label to ensure that drivers of LSVs are alerted to the safety hazards associated with their operation in mixed traffic. The NPRM also proposed that LSVs be equipped with additional reflex reflectors or retroreflective conspicuity sheeting, and that headlamps, tail lamps, and side marker lamps be continuously illuminated while the LSV propulsion system is activated. In addition, a "slow-moving vehicle" emblem would be required on the rear of each LSV. The comment period on the NPRM ended on September 10, 2002. The agency received comments from 15 sources. Thirteen of the commenters were generally in favor of the proposed requirements; however, they offered variations to the specific proposals or disagreed with certain elements. Two commenters generally felt that the agency did not provide

enough data to support the safety need for such a proposal.

II. Decision To Withdraw Rulemaking

NHTSA searched its Fatality Analysis Reporting System (FARS) and its National Automotive Sampling System (NASS) from 1998 to present for crashes involving LSVs. No crash data relative to LSVs were found. (This may reflect the reporting practices of some police departments that do not recognize LSVs

as motor vehicles.) In its September 10, 2002, comments to the LSV conspicuity NPRM (67 FR 46149), DaimlerChrysler mentioned that they knew of only four crashes involving Global Electric Motorcars (GEM), none of which resulted in deaths. Only two of the four crashes involved other vehicles and those were the result of operator errors in judgment rather than a lack of conspicuity. In view of the absence of data showing a conspicuity-related

safety problem with current LSV designs, the agency has decided to terminate the rulemaking.

Authority: 49 U.S.C. 322, 30111, 30115, 30166 and 30177; delegation of authority at 49 CFR 1.50.

Issued on: February 3, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05-2471 Filed 2-10-05; 8:45 am]

BILLING CODE 4910-59-P

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[No.: TM-05-1]

Notice of Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS) is announcing a forthcoming meeting of the National Organic Standards Board (NOSB).

DATES: The meeting dates are: Monday, February 28, 2005, 2 p.m. to 5:30 p.m., Tuesday, March 1, 2005, 8 a.m. to 5:30 p.m., Wednesday, March 2, 2005, 8 a.m. to 5:30 p.m., and Thursday, March 3, 2005, 8 a.m. to 12:15 p.m. Requests from individuals and organizations wishing to make an oral presentation at the meeting are due by the close of business on February 11, 2005.

ADDRESSES: The meeting will take place at the Washington Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC. Requests for copies of the NOSB meeting agenda, requests to make an oral presentation at the meeting, or written comments may be sent to Ms. Francine Torres at USDA-AMS-TMD-NOP, 1400 Independence Avenue, SW., Room 4008-So., Ag Stop 0268, Washington, DC 20250-0200. Requests to make an oral presentation at the meeting may also be sent via facsimile to Ms. Francine Torres at (202) 205-7808 or electronically to Ms. Francine Torres at francine.torres@usda.gov.

FOR FURTHER INFORMATION CONTACT:

Richard Mathews, Associate Deputy Administrator, National Organic Program, (202) 720-3252.

SUPPLEMENTARY INFORMATION: Section 2119 (7 U.S.C. 6518) of the Organic

Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. Section 6501 *et seq.*) requires the establishment of the NOSB. The purpose of the NOSB is to make recommendations about whether a substance should be allowed or prohibited in organic production or handling, to assist in the development of standards for substances to be used in organic production, and to advise the Secretary on other aspects of the implementation of the OFPA. The NOSB met for the first time in Washington, DC, in March 1992, and currently has six committees working on various aspects of the organic program. The committees are: Compliance, Accreditation, and Certification; Crops; Livestock; Materials; Handling; and Policy Development.

In August of 1994, the NOSB provided its initial recommendations for the National Organic Program (NOP) to the Secretary of Agriculture. Since that time, the NOSB has submitted 53 addenda to its recommendations and reviewed more than 264 substances for inclusion on the National List of Allowed and Prohibited Substances. The last meeting of the NOSB was held on October 12-14, 2004, in Washington, DC.

The Department of Agriculture (USDA) published its final National Organic Program regulation in the **Federal Register** on December 21, 2000 (65 FR 80548). The rule became effective April 21, 2001.

The principal purposes of the meeting are to provide an opportunity for the NOSB to receive an update from the USDA/NOP and hear progress reports from NOSB committees regarding work plan items and proposed actions. The NOSB will receive an update from the Association of American Plant Food Control Officials (AAPFCO) concerning its recent labeling committee meeting and discuss actions items concerning the formation of the NOSB Aquatic Animal Task Force and Pet Food Task Force. The NOSB will also review materials to determine if they should be included on the National List of Allowed and Prohibited Substances.

The Accreditation, Certification, and Compliance Committee will discuss how to operationalize the peer review of NOP's accreditation program. It will present, for NOSB consideration, its recommendation to expand the

information contained on certificates of organic operations and provide support for the development of an NOP electronic data management system. The Livestock Committee will discuss issues involving the formation of an Aquatic Animal Task Force. It will discuss priorities for sunset review of livestock substances, a rule change for dairy replacement (based on an existing NOSB recommendation), and a rule change for apiculture standards (based on an existing NOSB recommendation). The committee will present a recommendation that addresses options for adding livestock substances, already reviewed and approved by NOSB, to the National List. It will consider restrictions on the use of certain forms of proteinated chelates as livestock feed supplements. The committee will also address issues regarding a petition requesting an extension for the use of DL-Methionine in poultry production and discuss the use and labeling of calcium carbonate as an allowed feed supplement. The Livestock Committee will submit a draft guidance document for NOSB consideration on the requirements for access to pasture for ruminants.

The Policy Development Committee will discuss the duties of an Executive Director for the NOSB and factors to be considered for temporary research variances. The committee will present, for NOSB consideration, its recommendation concerning the adoption of the NOP collaboration policy document and changes to the Board Policies and Procedures Manual. The committee will also present its recommendation for soliciting USDA support for ensuring consistent use of the word "organic" on AAPFCO regulated fertilizer labels. Finally, the committee will submit, for NOSB consideration, a guidance document regarding the use of organic and non-organic forms of the same ingredient in products labeled, "made with organic ingredients". The Handling Committee will discuss the priorities for the sunset review of natural substances contained on the National List. The committee will report on its work for determining when a product is agricultural versus nonagricultural. The Handling Committee will also present, for NOSB consideration, its recommendation on the following draft guidance documents: (1) The status of albumen for use in the

clarification process of organic wine-making; (2) the calculation of percent organic ingredients for the manufacture of organic tea; (3) the status of bitter orange as a natural processing aid used in or on organic processed products; and (4) the organic certification of retail food establishments.

The Materials Committee will discuss plans for identifying and prioritizing substances for sunset review. The committee will present recommended action plans for (1) establishing internal procedures for NOSB sunset review of substances on the National List; (2) determining synthetic vs. non-synthetic substances; and (3) determining the impact of various extraction methods on substances reviewed by the NOSB for placement on the National List. The committee will also recommend, for NOSB consideration, the revised material review procedures developed by the NOP and Materials Committee. The Crops Committee will discuss priorities for the sunset review of substances used in organic crop production. It will also discuss the development of draft hydroponic production standards. The Crops Committee will submit, for NOSB consideration, draft guidance regarding the use of compost and compost tea and the use of waxed boxes used for organic production. The committee will submit revisions to the "natural resource" sections of the NOSB organic farm plan, to better address biodiversity and natural resource preservation requirements. The committee will also submit guidance on the assessment of commercial availability and equivalent varieties of organic seeds.

Materials to be reviewed at the meeting by the NOSB are as follows: for Crop Production: Soy Protein Isolate, Ammonium Bicarbonate, and Ferric Phosphate.

For further information, see <http://www.ams.usda.gov/nop>. Copies of the NOSB meeting agenda can be requested from Ms. Francine Torres by telephone at (202) 720-3252; or by accessing the NOP Web site at <http://www.ams.usda.gov/nop>.

The meeting is open to the public. The NOSB has scheduled time for public input on Tuesday, March 1, 2005, 8 a.m. to 12 p.m.; and Thursday, March 3, 2005, 9 a.m. to 12 p.m. Individuals and organizations wishing to make an oral presentation at the meeting may forward their request by mail, facsimile, or e-mail to Ms. Francine Torres at addresses listed in **ADDRESSES** above. While persons wishing to make a presentation may sign up at the door, advance registration will ensure that a person has the

opportunity to speak during the allotted time period and will help the NOSB to better manage the meeting and to accomplish its agenda. Individuals or organizations will be given approximately 5 minutes to present their views. All persons making an oral presentation are requested to provide their comments in writing. Written submissions may contain information other than that presented at the oral presentation.

Written comments may also be submitted at the meeting. Persons submitting written comments at the meeting are asked to provide 30 copies.

Interested persons may visit the NOSB portion of the NOP Web site <http://www.ams.usda.gov/nop> to view available documents prior to the meeting. Approximately 6 weeks following the meeting interested persons will be able to visit the NOSB portion of the NOP Web site to view documents from the meeting.

Dated: February 8, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05-2731 Filed 2-8-05; 2:41 pm]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by the A. Sam Farm Inc, Dunkirk, New York, for trade adjustment assistance. The petitioner represents a group of cabbage producers in New York. The Administrator will determine within 40 days whether or not imports of cabbages contributed importantly to a decline in domestic producer prices of more than 20 percent during the marketing year period beginning January 2003 through December 2003. If the determination is positive, all cabbage producers in New York will be eligible to apply to the Farm Service Agency for technical assistance at no cost and for adjustment assistance payments.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: trade.adjustment@fas.usda.gov.

Dated: February 4, 2005.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 05-2719 Filed 2-10-05; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), today accepted a petition filed by the Potato Growers of Idaho, Inc., Blackfoot, Idaho, for trade adjustment assistance. The petitioner represents producers of fresh potatoes in Idaho. The petitioner has requested a public hearing to review the merits of the petition, which will be held in Room 5066-S, South Agricultural Building, Washington, DC, on March 2, 2005, at 11 a.m. e.t.

SUPPLEMENTARY INFORMATION: The petition maintains that during September 2003 through July 2004, increasing imports of french fries contributed importantly to a decline in domestic fresh potato producer prices by more than 20 percent. To support their contention, the petitioner submitted price data from the Idaho Agricultural Statistics Office. Having accepted this petition, the Administrator has 40 days to determine whether or not producers represented by the petitioner are eligible for trade adjustment assistance. If the determination is positive, they will be eligible to apply to the Farm Service Agency for technical assistance at no cost and adjustment assistance payments.

FOR FURTHER INFORMATION CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: trade.adjustment@fas.usda.gov.

Dated: February 4, 2005.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 05-2718 Filed 2-10-05; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE**Forest Service****West Bear Vegetation Management Project; Wasatch-Cache National Forest, Summit County, UT**

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare environmental impact statement.

SUMMARY: The Forest Supervisor of the Wasatch-Cache National Forest gives notice of the agency's intent to prepare an environmental impact statement on a proposal to manage forest land in the West Fork Bear River drainage. Temporary roads would be constructed to provide access for timber harvest in portions of the area. The proposal also includes reconstruction or relocation of some poorly designed or located existing roads. The headwaters of this drainage are located on the Evanston Ranger District about 40 miles south of Evanston, Wyoming in the Uinta Mountain Range. The proposed action was developed to meet Forest Plan vegetation management objectives for achieving forest vegetation composition, structure, and patterns in properly functioning condition. The analysis area includes approximately 16,000 acres. The proposal addresses lands located primarily in the Humpy Creek, Meadow Creek, West Bear and Mill City Creek drainages located in Township 1 North, Ranges 9 East and 10 East, Salt Lake Meridian.

The first notice of intent was published on pages 12963–12964 of the **Federal Register** on March 20, 2002 (Volume 67, Number 54). The project was delayed due to other priorities developing as the result of a large wildfire in the summer of 2002.

DATES: Comments concerning the scope of the analysis must be received in writing by March 7, 2005. A draft environmental impact statement is expected to be published in May 2005, with public comment on the draft material requested for a period of 45 days, and completion of a final environmental impact statement is expected in September, 2005.

ADDRESSES: Send written comments to Stephen Ryberg, District Ranger, Evanston Ranger District, PO Box 1880, Evanston, WY. 82930. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to *comments-intermtn-wasatch-cache-evanston-mtnview@fs.fed.us*.

FOR FURTHER INFORMATION CONTACT:

Larry Johnson, Environmental Planner, (307) 789–3194, or Kent O'Dell, Timber Management Coordinator, (307) 782–6555, USDA Forest Service, Evanston Ranger District (see **ADDRESS** above.)

SUPPLEMENTARY INFORMATION:**Purpose and Need for Action**

The project purpose is to use timber harvest and prescribed fire meet Revised Wasatch-Cache National Forest Plan vegetation management objectives to move toward properly functioning condition and to move toward a variety of vegetation types, age classes, and patch sizes covering the landscape and contributing to healthy watersheds, aquatic and terrestrial wildlife habitats, recreation environments, and production of commodities such as wood and forage. The Revised Forest Plan (Page 4–29) identified a need to treat vegetation with the aspen, aspen/conifer, spruce-fir and mixed conifer forest types on the forest to maintain or move the forests toward properly functioning condition. A forest-wide assessment concluded that aspen communities as well as conifer, sagebrush and several other vegetation types are currently outside the historic range of variation, primarily related to the absence of naturally occurring fire.

Proposed Action

The proposal to salvage includes timber harvesting, prescribed burning, construction of temporary roads, intermittent service roads, and minor reconstruction of existing system roads. Treatment would involve group selection harvest in spruce-fir and mixed conifer stands, small (1 to 5 acre) patch cutting in mixed aspen/conifer stands, conifer removal and prescribed burning in aspen/conifer stands, and burning with aspen stands. The proposal includes retaining green trees and snags for wildlife habitat. Approximately 1,626 acres within 38 units would be treated under the proposal. Harvests would be accomplished using ground-based systems, and in conformance with Forest Plan Standards and Guidelines. Access to the timber would require the construction of approximately 7.2 miles of temporary roads, 2.1 miles of intermittent service system roads, and relocation of approximately 0.6 miles of existing system roads to reduce sedimentation and improve drainage. All temporary roads would be recontoured/rehabilitated after harvest. Proposed reconstruction or relocation of existing roads would emphasize improving drainage design of the roads near stream crossings and relocating or

improving drainage where the roads are near stream channels. No harvest or road construction would take place in inventoried roadless areas. Firelines would be constructed where needed prior to burning to reduce the probability of fire escaping the boundaries. Approximately 1.4 miles of firelines would be needed.

In addition to the No Action alternative, an alternative that would reduce road construction and emphasize prescribed fire without mechanical pretreatment is being considered. It would treat approximately 1,384 acres within 28 tentative harvest units. It would require construction of approximately 1.8 miles of temporary roads, 0.3 miles of intermittent service system road, and relocation of approximately 300 feet of an existing system road to reduce sedimentation and improve drainage. Temporary roads would be recontoured/rehabilitated after harvest as with the proposed action. An estimated 6.4 miles of firelines would be needed to accomplish the prescribed burning.

Preliminary issue identified include effects of the alternatives on threatened, endangered and sensitive (TES) species, land stability, erosion and sedimentation, fish and aquatic habitat, cultural resource sites, noxious weed spread, and conflicts with recreational traffic.

Responsible Official

The Responsible Official is Thomas L. Tidwell, Forest Supervisor, Wasatch-Cache National Forest, 8236 Federal Building, 125 South State Street, Salt Lake City, UT 86138.

Nature of Decision To Be Made

The decision to be made is whether to implement the proposed activities listed above.

A determination of effects on Canada lynx will be required from the U.S. Fish and Wildlife Service.

Scoping Process

The Forest Service invites comments and suggestions on the scope of the analysis to be included in the Draft Environmental Impact Statement (DEIS). In addition, the Forest Service gives notice that it is beginning a full environmental analysis and decision-making process for this proposal so that interested or affected people may know how they can participate in the environmental analysis and contribute to the final decision. Knowledge of the issues will help establish the scope of the Forest Service environmental analysis and define the kind and range of alternatives to be considered. The

Forest Service welcomes any public comments on the proposal.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 30-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the

National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: February 7, 2005.

Thomas L. Tidwell,

Forest Supervisor.

[FR Doc. 05-2672 Filed 2-10-05; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Tri-County Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) the Beaverhead-Deerlodge National Forest's Tri-County Resource Advisory Committee will meet on Thursday, March 3, 2005, from 4 p.m. to 8 p.m. in Deer Lodge, Montana, for a business meeting. The meeting is open to the public.

DATES: Thursday, March 3, 2005.

ADDRESSES: The meeting will be held at the USDA Service Center, 1002 Hollenback Road, Deer Lodge, Montana.

FOR FURTHER INFORMATION CONTACT:

Thomas K. Reilly, Designated Forest Official (DFO), Forest Supervisor, Beaverhead-Deerlodge National Forest, at (406) 683-3973.

SUPPLEMENTARY INFORMATION: Agenda topics for this meeting includes a review of projects approved and proposed for funding as authorized under Title II of Public Law 106-393, new proposals for funding, review of a community fire plan, and public comment. If the meeting location is changed, notice will be posted in local newspapers, including The Montana Standard.

Dated: February 7, 2005.

Thomas K. Reilly,

Forest Supervisor.

[FR Doc. 05-2670 Filed 2-10-05; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Intent

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Utah State Office, announces its intention to prepare an environmental impact statement (EIS) to evaluate the impacts of floodplain and stream channel modifications in the Coal Creek Watershed. A plan would be developed to reduce safety risks and property damage caused by flooding of Cedar City and agricultural lands, improve water quality, and address related resource and amenity issues for the community. The EIS will analyze the potential environmental and socioeconomic impacts of alternatives to the human environment, as identified in the NEPA planning process, including any structural and non-structural measures that would address resource concerns in Coal Creek floodplain.

The purpose of this notice is to request participation and invite comments from all those individuals and organizations interested in the development of the EIS.

Proposed Action: The section of Coal Creek that traverses through Cedar City, Utah has channel stability and capacity deficiencies that pose a threat to existing infrastructure and development. Typical summer, fall, and winter discharges through this section of Coal Creek range from 5 to 15 cubic feet per second (cfs). However, intense summer cloudburst events centered in the upper Coal Creek watershed during the past 100 years have resulted in several flood events with peak discharges of between 4,000 and 5,000 cfs. The peak snowmelt event on record is approximately 1,800 cfs.

The NRCS, in cooperation with Cedar City, proposes to modify portions of the Coal Creek channel that are located east of Interstate 15 within the corporate limits of Cedar City. Channel modifications are needed to protect existing infrastructure and development from damage or loss caused by bank erosion or flood water from a 100-year flood event and to eliminate the portion of the 100-year floodplain located outside the stream channel, as defined on existing Federal Emergency Management Agency (FEMA) flood hazard boundary maps. In conjunction with needed channel improvements, one or more irrigation diversion structures on Coal Creek may have to be relocated upstream from their current locations to eliminate existing flooding hazards. It is an NRCS goal to construct new diversion facilities that will

improve irrigation water quality by removing sediment from irrigation water after it is diverted from Coal Creek. NRCS will also consider the option of locating the new diversion facilities to allow a pressurized irrigation system to be constructed in the future. New pipeline facilities would need to be constructed as part of this project from any new diversion facilities to the heads of the existing canals where the existing diversions are located. In addition to the flood control and irrigation system improvements, NRCS and Cedar City propose to design and construct a trail system and other Parkway improvements adjacent to the Coal Creek Channel that would enhance aesthetic values and provide recreational opportunities for community residents and visitors.

Public Participation: The NRCS invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Coal Creek watershed and floodplain as it impacts Cedar City are urged to participate in the NEPA environmental analysis process. Assistance will be provided as necessary to anyone having difficulty in determining how to participate. A Public Involvement Plan (PIP) has been developed and will be followed.

Public comments are welcomed throughout the NEPA process. Opportunities for public participation include: (1) The EIS scoping period when comments on the NRCS proposal will be solicited through various media and at a public meeting to be held in Cedar City, Utah, March 10, 2005; (2) the 45-day review and comment period for the published Draft EIS; and (3) for 30 days after publication of the Final EIS.

Scoping Process: Public participation is requested throughout the scoping process. The NRCS is soliciting comments from the public indicating what issues and impacts the public believes should be encompassed within the scope of the EIS analysis, voicing any concerns they might have about the identified resource protection measures, and submitting any ideas they might have for addressing risks to life and property in the Coal Creek floodplain. Other opportunities for public input include: (1) Once the Notice of Availability (NOA) of the Draft EIS is published in the **Federal Register**, comments will be accepted on the Draft EIS for a period of not less than 45 days, and (2) once the Final EIS is published in the **Federal Register**, comments will be accepted for a period of not less than 30 days. The NRCS will provide a

written response to all comments received and will consider the issues presented for study and possible inclusion in the EIS. The public participation plan describes responsibilities and outreach opportunities in this process.

Date Scoping Comments are Due: Comments may be submitted by regular mail, facsimile, or E-mail until 5 p.m. MST, March 21, 2005. Written comments submitted by regular mail should be postmarked by March 21, 2005, to ensure full consideration. (**Note:** The scoping period will continue for a period of 30 calendar days after the issuance date of this NOI.) Comments postmarked after this date will be considered to the extent practicable.

Scoping Meeting: A public scoping meeting/open house will be held Thursday, March 10, 2005, to provide information on Coal Creek planning activities conducted to date, give the opportunity to discuss the issues and alternatives that should be covered in the Draft EIS, and to receive oral and written comments. The open house will be held from 4 p.m. to 8 p.m. at the Cedar City Public Library, 303 North 100 East, Cedar City, Utah.

EFFECTIVE DATE: February 18, 2005.

FOR FURTHER INFORMATION CONTACT: Comments on what the public wishes to be analyzed or addressed within the Draft EIS should be mailed to: Marnie Wilson, Coal Creek EIS, USDA—NRCS, Wallace F. Bennett Federal Building, 125 South State Street, Room 4402, Salt Lake City, UT 84138–1100. Project information is also available on the Internet at: <http://www.ut.nrcs.usda.gov> under Public Notices.

Comments may also be submitted by sending a facsimile to (801) 524–4593, or by E-mail to Marnie.Wilson@ut.usda.gov (please include the words “Coal Creek Comment” in the subject line of the E-mail). Respondents should provide mailing address information and an indication of wanting to be included on the EIS mailing list. All individuals on the mailing list will receive a copy of the Draft EIS.

Signed in Salt Lake City, Utah on February 1, 2005.

Sylvia A. Gillen,

State Conservationist.

[FR Doc. 05–2663 Filed 2–10–05; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability (NOFA) Inviting Applications for the Rural Community Development Initiative (RCDI)

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; correction/deadline extension.

SUMMARY: The Rural Housing Service (RHS) is correcting a notice published October 27, 2004 (69 FR 62639–62648). This action is taken to correct the program requirement and eligibility criteria for the location of the low-income rural community office that will be receiving the financial and technical assistance. This correction provides clarification to applicants on how to determine 80 percent of the median household income for a low-income community location. This correction also extends the application deadline date from January 25, 2005, to February 25, 2005.

Accordingly, the notice published October 27, 2004 (69 FR 62639–62648), is corrected as follows: On page 62640, in the second column, under the heading Program Requirements, number 1 should read: “1. The recipient and beneficiary, but not the intermediary must be located in an eligible rural area. The location of the low-income rural community office that will be receiving the financial and technical assistance must be in a community with a median household income at or below, 80 percent of the State or national median household income. The applicable Rural Development State Office can assist in determining the eligibility of an area. A listing of Rural Development State Offices is included in this Notice.”

On page 62640, in the third column, under the heading Program Requirements, number 3 should read: “3. Documentation must be submitted to verify recipient eligibility. Acceptable documentation varies depending on the type of recipient: Private nonprofit community-based housing and development organizations must provide a letter confirming its tax-exempt status from the IRS, a certificate of incorporation and good standing from the Secretary of State, or other similar and valid documentation of nonprofit status; for low-income rural community recipients, the Agency requires: (a) evidence the entity is a public body, and (b) census data verifying that the median household income of the community where the office receiving the financial and technical assistance is

located is at, or below, 80 percent of the State or national median household income; for federally recognized tribes, the Agency needs the page listing their name from the current **Federal Register** list of tribal entities recognized and eligible for funding services (see the definition of federally recognized tribes for details on this list)."

On page 62639, in the second column, under the heading Dates paragraph should read: "The deadline for receipt of an application is 4 p.m. eastern time February 25, 2005. The application date and time are firm. The Agency will not consider any application received after the deadline."

On page 62642, in the third column, under the heading Submission Dates and Times the second paragraph should read: "The deadline for receipt of an application is 4 p.m. eastern time on February 25, 2005. The application deadline date and hour are firm and apply to submission of the original application to the National Office in Washington, DC. The Agency will not consider any application received after the deadline. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact is provided elsewhere in this Notice."

Dated: February 4, 2005.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. 05-2706 Filed 2-10-05; 8:45 am]

BILLING CODE 3410-XV-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 13, 2005.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION: On November 26, 2004, December 3, 2004,

and December 10, 2004, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (69 FR 68875, 70223, 71777) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.
2. The action will result in authorizing small entities to furnish the products and services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: Binder, Loose-leaf;

7510-01-272-3231;

7510-01-283-5273.

NPA: South Texas Lighthouse for the Blind, Corpus Christi, TX.

Contracting Activity: Office Supplies & Paper Products Acquisition Center, New York, NY.

Product/NSN: Cap, Baseball, Navy;

8415-01-487-5148.

NPA: National Center for Employment of the Disabled, El Paso, TX.

Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, PA.

Product/NSN: Eraser, Whiteboard;

7510-01-316-6213.

Product/NSN: Kit, Dry Erase Marker (12);

7520-01-365-6126.

Product/NSN: Kit, Dry Erase Marker (6);

7520-01-352-7321.

NPA: Dallas Lighthouse for the Blind, Inc., Dallas, TX.

Contracting Activity: Office Supplies & Paper

Products Acquisition Center, New York, NY.

Services

Service Type/Location: Grounds

Maintenance, Basewide, F.E. Warren AFB, Wyoming.

NPA: Pre-Vocational Training Center, Spokane, WA.

Contracting Activity: AFSPACOM-Warren AFB, F.E. Warren AFB, Wyoming.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 05-2716 Filed 2-10-05; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must be Received on or Before: March 13, 2005.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

(End of Certification)

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Grounds

Maintenance;

VA Medical Center, Omaha, NE.

NPA: Goodwill Specialty Services, Inc., Omaha, NE.

Contracting Activity: VA Medical Center Nebraska-West Iowa Health Care System, Omaha, Nebraska.

Service Type/Location: Medical Transcription;

Veterans Affairs Medical Center, Loma Linda, CA.

NPA: National Telecommuting Institute, Inc., Boston, MA.

Contracting Activity: VA, Network Business Center (664/NBC/MP), San Diego, CA.

Service Type/Location: Medical Transcription;

Veterans Affairs Medical Center, Long Beach, CA.

NPA: National Telecommuting Institute, Inc., Boston, MA.

Contracting Activity: VA Network Business Center (664/NBC/MP), San Diego, CA.

Service Type/Location: Medical Transcription;

Veterans Affairs Medical Center, San Diego, CA.

NPA: National Telecommuting Institute, Inc., Boston, MA.

Contracting Activity: VA Network Business Center (664/NBC/MP), San Diego, CA.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 05-2717 Filed 2-10-05; 8:45 am]

BILLING CODE 6353-01-P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: February 16, 2005 10:30 a.m.—12 p.m.

PLACE: Office of Cuba Broadcasting, 4201 NW 77th Ave., Miami, FL 33166.

Closed Meeting

The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded non-military international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b. (c)(1) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b. (c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b. (c)(2) and (6))

FOR FURTHER INFORMATION CONTACT: Persons interested in obtaining more information should contact either Brenda Hardnett or Carol Booker at (202) 203-4545.

Dated: February 8, 2005.

Carol Booker,

Legal Counsel.

[FR Doc. 05-2769 Filed 2-9-05; 10:07 am]

BILLING CODE 8230-01-M

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

DATE AND TIME: Friday, February 18, 2005, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 649 9th Street, NW., Room 540, Washington, DC 20425.

STATUS:

Agenda

- I. Approval of Agenda
- II. Approval of Minutes of January 7, 2005 Meeting
- III. Announcements
- IV. Staff Director's Report
- V. Program Planning
 - Consideration of proposals for

project to be undertaken by the Commission during FY 2005, 2006 and 2007

VI. Future Agenda Items

FOR FURTHER INFORMATION CONTACT: Kenneth L. Marcus, Press and Communications (202) 376-7700.

Debra A. Carr,

General Counsel.

[FR Doc. 05-2845 Filed 2-9-05; 4:01 pm]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Institutional Remittances to Foreign Countries

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 12, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Michael Mann, Chief, Current Account Services Branch, Balance of Payments Division (BE-58), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone: (202) 606-9573; fax: (202) 606-5314; or via the Internet at michael.mann@bea.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Economic Analysis (BEA) is responsible for the compilation of the U.S. international transactions accounts (ITA's), which it publishes quarterly in news releases, on its Web site, and in its monthly journal, the *Survey of Current Business*. These accounts provide a statistical summary of all U.S. international transactions and, as such, are one of the major statistical products of BEA. They are used extensively by both government and private organizations for national

and international economic policy formulation and for analytical purposes. The information collected in this survey is used to develop the "private remittances" portion of the ITA's. Without this information, an integral component of the ITA's would be omitted. No other Government agency collects comprehensive data on private unilateral transfers of funds to foreign countries.

The survey requests information from U.S. religious, charitable, educational, scientific, and similar organizations on transfers to foreign residents and their expenditures in foreign countries. The information is collected on a quarterly basis from organizations remitting \$1 million or more each year and annually for organizations remitting at least \$25,000 but less than \$1 million each year. Organizations with remittances of less than \$25,000 each year are exempt from reporting. The survey is voluntary.

BEA is proposing a minor revision to Form BE-40 to change "Other International Nations" on the "area/country" list to "Other International Organizations."

II. Method of Collection

Survey forms are mailed to potential respondents in January of each year; respondents expected to file on a quarterly basis are sent multiple copies. Quarterly reports are due 30 days after the close of each calendar or fiscal quarter and annual reports are due 90 days after the close of the calendar or fiscal year. Potential respondents are U.S. religious, charitable, educational, scientific, and similar organizations that voluntarily agree to provide data regarding transfers of cash grants to foreign countries and their expenditures in foreign countries.

III. Data

OMB Number: 0608-0002.

Form Number: BE-40.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 790.

Estimated Time Per Response: 1.5 hours annually for respondents filing annually, 6.0 hours annually for respondents filing quarterly.

Estimated Total Annual Burden Hours: 2,100 hours.

Estimated Total Annual Cost: \$84,000 based on an estimated reporting burden of 2,100 hours and an estimated hourly cost of \$40.

Respondent's Obligation: Voluntary.

Legal Authority: Bretton Woods Agreement Act, Section 8, and E.O. 10033, as amended.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 8, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-2693 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-EA-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Generic Clearance for Pretesting Research

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 12, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Obie G. Whichard, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9890 (or via the Internet at obie.whichard@bea.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Economic Analysis (BEA) is requesting OMB approval to conduct a variety of small-scale questionnaire pretesting activities under this generic clearance. A block of hours will be dedicated to these activities for each of the next three years. OMB will be informed in writing of the purpose and scope of each of these activities, as well as the time frame and the number of burden hours used. The number of hours used will not exceed the number set aside for this purpose.

This research program will be used by BEA to improve questionnaires and procedures, reduce respondent burden, improve sample frames, and ultimately increase the quality of data collected in the bureau's surveys. The clearance will be used to conduct pretesting of surveys conducted by BEA prior to mailing the final survey packages to potential respondents. Pretesting activities will involve methods for identifying problems with the questionnaire or survey procedure such as the following: cognitive interviews, focus groups, respondent debriefing, behavior coding of respondent/ interviewer interaction, split panel tests, voluntary sample surveys (including automated surveys).

II. Method of Collection

Any of the following methods may be used: Mail, telephone, face-to-face, paper-and-pencil, or Internet.

III. Data

OMB Number: Will be assigned by OMB.

Form Number: Various.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit organizations, Not-for-profit institutions, and State, Local or Tribal Government.

Estimated Number of Respondents: 5,000 annually.

Estimated Time Per Respondent: One hour.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost: There is no cost to respondents, except for their time to complete the questionnaire, or take part in interviews.

Respondent Obligation: Voluntary.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: February 8, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-2694 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

President's Export Council Subcommittee on Export Administration: Notice of Partially Closed Meeting

The President's Export Council Subcommittee on Export Administration (PECSEA) will meet on March 8, 2005, 10 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 4832, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The PECSEA provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Public Session

1. Opening remarks by the Chairman.
2. Bureau of Industry and Security (BIS) and Export Administration update.
3. Export Enforcement update.
4. Presentation of papers or comments by the public.

Closed Session

5. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to

the PECSEA. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to PECSEA members, the PECSEA suggests that public presentation materials or comments be forwarded before the meeting to Ms. Lee Ann Carpenter at Lcarpent@bis.doc.gov.

A Notice of Determination to close meetings, or portions of meetings, of the PECSEA to the public on the basis of 5 U.S.C. 522(c)(1) was approved on October 8, 2003, in accordance with the Federal Advisory Committee Act.

For more information, call Ms. Carpenter on (202) 482-2583.

Dated: February 8, 2005.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 05-2673 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-JT-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-485-803]

Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Cut-To- Length Carbon Steel Plate From Romania

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 11, 2005.

FOR FURTHER INFORMATION CONTACT: Brandon Farlander at (202) 482-0182 or Abdelali Elouaradia at (202) 482-1374, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On January 11, 2005, the Department of Commerce ("the Department") published in the **Federal Register** a notice extending the final results of the administrative review of the antidumping duty order on certain cut-to-length carbon steel plate from Romania by 30 days until no later than February 4, 2005. See Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Cut-to-Length Carbon Steel Plate From Romania, 70 FR 1867 (January 11, 2005).

Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Tariff Act, as amended ("the Act"), provides that

the Department may extend the deadline for completion of the final results of an administrative review if it determines that it is not practicable to complete the final results within the statutory time limit of 120 days from the date on which the preliminary results were published. Completion of the final results within the 120-day period is not practicable because the Department is considering a withdrawal of request for review submitted by the only party which requested this review. Therefore, the Department is extending the time limit for the completion of these final results by 30 days. Accordingly, the final results of this review will now be due on March 7, 2005, since March 6, 2005 is a weekend day.

This notice is published in accordance with section 751(a)(3)(A) of the Act and section 19 CFR 351.213(h)(2) of the Department's regulations.

Dated: February 4, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5-574 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from the Crawfish Processors Alliance ("Petitioners"), the Department of Commerce initiated an administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China ("PRC") for entries of subject merchandise by Qingdao Xiyuan Refrigerate Food Co., Ltd. ("Qingdao Xiyuan"). The period of review is September 1, 2003, through August 31, 2004. We are now rescinding the administrative review with respect to Qingdao Xiyuan, as a result of petitioners' withdrawal of its request for review of this company.

EFFECTIVE DATE: February 11, 2005.

FOR FURTHER INFORMATION CONTACT: Scot Fullerton or Carrie Blozy, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, NW, Washington, DC 20230; telephone: (202) 482-1386 and (202) 482-5403, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2004, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on freshwater crawfish tail meat from the PRC. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 69 FR 53407 (September 1, 2004). On October 22, 2004, pursuant to a request made by petitioners, the Department initiated an administrative review of the antidumping duty order on freshwater crawfish tail meat from the PRC with respect to, among other companies, Qingdao Xiyuan. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 69 FR 62022 (October 22, 2004). On January 10, 2005, petitioners withdrew their request for an administrative review of freshwater crawfish tail meat from the PRC with respect to Qingdao Xiyuan.

Scope of the Order

The product covered by this antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the new HTS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the U.S. Customs Service in 2000, and HTS items 0306.19.00.10 and 0306.29.00, which are reserved for fish and crustaceans in general. The HTS subheadings are provided for convenience and customs purposes only. The written description of the scope of this order is dispositive.

Rescission of Review

The Department's regulations at 19 CFR 351.213(d)(1) provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the

date of publication of the notice of initiation of the requested review. The Department's regulations further provide that the Secretary may extend this time limit if the Secretary determines that it is reasonable to do so. Petitioners made a timely withdrawal of its request for an administrative review and the Department has granted the request to rescind the review because petitioners were the only party to request the review. The Department will issue assessment instructions to U.S. Customs and Border Protection within 15 days of publication of this notice.

Notification to Importers and Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This rescission notice is published in accordance with sections 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: January 31, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5-575 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-840]

Notice of Initiation of Antidumping Duty Investigation: Certain Orange Juice From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Initiation of Antidumping Duty Investigation.

EFFECTIVE DATE: February 11, 2005.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Eastwood or Jill Pollack at (202) 482-3874 or (202) 482-4593, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Initiation of Investigation: The Petition

On December 27, 2004, the Department of Commerce (the Department) received a petition filed in proper form by Florida Citrus Mutual, A. Duda & Sons, Inc. (doing business as Citrus Belle), Citrus World, Inc., Peace River Citrus Products, Inc.,¹ and Southern Garden Citrus Processing Corporation (doing business as Southern Gardens) (collectively, "the petitioners"). The petitioners filed amendments to the petition on December 29, 2004, January 6, 7, 11, 12, 14, 31, and February 2, 3, and 7, 2005. In order to evaluate further the issue of industry support, on January 25, 2005, the Department published a notice in the **Federal Register** extending the 20-day initiation determination deadline and requesting information from domestic growers of round oranges for processing and producers of certain orange juice. *See Notice of Request for Information and Extension of Time: Certain Orange Juice From Brazil*, 70 FR 3510 (Jan. 25, 2005) (*Extension Notice*).

In accordance with section 732(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of certain orange juice from Brazil are, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that imports from Brazil are materially injuring, or are threatening to materially injure, an industry in the United States.

The Department finds that the petitioners filed this petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(G) of the Act and they have demonstrated sufficient industry support with respect to the antidumping investigation that they are requesting the Department to initiate. *See infra*, "Determination of Industry Support for the Petition."

Scope of Investigation

The scope of this investigation includes certain orange juice for

¹ Peace River Citrus Products, Inc. withdrew as a petitioner in this proceeding on January 31, 2005.

transport and/or further manufacturing, produced in two different forms: (1) Frozen orange juice in a highly concentrated form, sometimes referred to as frozen concentrated orange juice for further manufacturing (FCOJM); and (2) pasteurized single-strength orange juice which has not been concentrated, referred to as Not-From-Concentrate (NFC).

There is an existing antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. *See* Antidumping Duty Order; Frozen Concentrated Orange Juice from Brazil, 52 FR 16426 (May 5, 1987). Therefore, the scope with regard to FCOJM covers only FCOJM produced and/or exported by those companies who were excluded or revoked from the existing antidumping order on FCOJ from Brazil as of December 27, 2004. Those companies are Cargill Citrus Limitada, Citrosuco Paulista S.A., Frutropic S.A., Montecitrus Industria e Comercio Limitada, and Sucocitrico Cutrale SA (Cutrale).

The Department also revoked the existing antidumping duty order on FCOJ with regard to two additional companies, Coopercitrus Industrial Frutesp (Frutesp) and Frutropic S.A. (Frutropic). *See* Frozen Concentrated Orange Juice; Final Results and Termination in Part of Antidumping Duty Administrative Review; Revocation in Part of the Antidumping Duty Order, 56 FR 52510 (Oct. 21, 1991) and *Frozen Concentrated Orange Juice; Final Results of Antidumping Duty Administrative Review and Revocation of Order in Part*, 59 FR 53137 (Oct. 21, 1994). In a supplemental submission to the petition, the petitioners cite the changed circumstances review request by Louis Dreyfus Citrus Ltda. (Louis Dreyfus) and note that Frutropic and Frutesp were purchased by Louis Dreyfus. The petitioners assert that Louis Dreyfus is the successor-in-interest to these revoked companies. The Department has initiated a changed circumstances review in the context of the original order as requested by Louis Dreyfus Citrus in order to determine whether COINBRA–Frutesp (the company created after the ownership change of Frutesp) is the successor-in-interest to Frutesp. Nonetheless, the Department will also examine the successor-in-interest issues for both Frutesp and Fruitropic in the context of this proceeding, and we intend to make a finding no later than the preliminary determination in this case. We note that, should the Department find Louis Dreyfus or COINBRA–Frutesp to be the successor-in-interest to these companies, the successor company will

be included as part of this proceeding. We invite comments from all parties on this issue.

Excluded from the scope of the investigation are reconstituted orange juice and frozen orange juice for retail (FCOJR). Reconstituted orange juice is produced through further manufacture of FCOJM, by adding water, oils and essences to the orange juice concentrate. FCOJR is concentrated orange juice, typically at 42° Brix, in a frozen state, packed in retail sized containers ready for sale to consumers. FCOJR, a finished consumer product, is produced through further manufacture of FCOJM, a bulk manufacturer's product.

The subject merchandise is currently classifiable under items 2009.11.00, 2009.12.25, 2009.12.45, and 2009.19.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive, but rather the written description of the scope of this investigation is dispositive.

As discussed in the preamble to the Department's regulations (*Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for parties to raise issues regarding product coverage and/or product issues such as the scope of the investigation. As noted above, there is an existing order on FCOJ from Brazil that differs in certain respects from the scope of this case. The Department is also soliciting comments related to the definition of the class or kind of merchandise under consideration. The Department encourages comments on these issues, as well as on any other issues involving product coverage, no later than April 1, 2005. Comments should be addressed to Import Administration's Central Records Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and consult with parties prior to the issuance of the preliminary determination.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that the Department's industry support determination, which is to be made before the initiation of the investigation, be based on whether a minimum percentage of the relevant industry

supports the petition. A petition meets this requirement if the domestic producers or workers who support the petition account for: (1) At least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method.

Section 771(4)(A) of the Act defines the "industry" as the producers of a domestic like product. In investigations involving processed agricultural products, the statute allows the Department also to include growers or producers of the raw agricultural product within the definition of the industry. *See* section 771(4)(E) of the Act. For a full discussion, see the February 7, 2005, Memorandum to Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, from Mildred Steward, Attorney, and Vicki Schepker, Senior Policy Analyst, entitled, "Antidumping Duty Petition on Certain Orange Juice from Brazil: Domestic Like Product Analysis and Calculation of Industry Support" ("Like Product/Industry Support Memo"). For the determination of industry support, the Department must identify the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether the domestic industry has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to the law.²

² *See Algoma Steel Corp. Ltd. v. United States*, 688 F. Supp. 639, 642–44 (CIT 1988) ("the ITC does not look behind ITA's determination, but accepts

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation," *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

In this case, the domestic like product referred to in the petition is the single domestic like product defined in the "Scope of Investigation" section, above. At this time, the Department has no basis on the record to find the petition's definition of the domestic like product to be inaccurate. The Department, therefore, has adopted the domestic like product definition set forth in the petition. For a discussion of the domestic like product analysis in this case, see the "Like Product/Industry Support Memo."

On December 30, 2004, and January 5, 2005,³ we received challenges to industry support from certain U.S. producers. Because we required additional time to determine the production quantities and levels of imports of U.S. producers, as well as the relationships between U.S. and foreign producers, we solicited additional information from the U.S. industry, in accordance with section 732(c)(4)(D) of the Act. See Extension Notice, 70 FR at 3511. On January 19, 2005, we issued industry support questionnaires to all known orange growers (via regional grower associations) and producers of certain orange juice. The questionnaire is on file in the Central Records Unit, room B-099 of the main Department of Commerce building, and also available on the Import Administration Web site (see <http://ia.ita.doc.gov/ia-highlights-and-news.html>).

Based on an analysis of the data collected, we determine that the petitioners have demonstrated industry support representing over 50 percent of the total production of the domestic like product. Therefore, the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product, and the requirements of section 732(c)(4)(A)(i) of the Act are met. Furthermore, given that the petitioners represent more than 50 percent of the total production of the domestic like product, the requirements

of section 732(c)(4)(A)(ii) of the Act are also met. Accordingly, we determine that this petition is filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act. For further discussion, see the "Like Product/Industry Support Memo."

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which the Department based its decision to initiate this investigation. The sources of data for the deductions and adjustments relating to U.S. and foreign market prices, cost of production (COP), and constructed value (CV) are discussed in greater detail in the business proprietary version of the petition and in the "Initiation Checklist." We corrected certain information contained in the petition's margin calculations. These corrections are set forth in detail in the "Initiation Checklist." Should the need arise to use any of this information as facts available under section 776 of the Act in our preliminary or final determination, we may re-examine this information and revise the margin calculations, if appropriate.

Export Price

The anticipated period of investigation (POI) is October 1, 2003, through September 30, 2004. The petitioners requested that the Department adopt an alternate POI of July 1, 2003, through June 30, 2004, asserting that this period corresponds to the Brazilian harvest/marketing year. According to the petitioners, this period is appropriate because: (1) Both prices and costs in the industry are affected by the juice yield of a particular harvest season and thus the orange juice industry is seasonal; and (2) oranges for processing have a limited shelf life and are therefore perishable. See the petition at pages 18 through 22 and the January 6, 2005, petition supplement at pages 1 and 2. The petitioners assert that the Department has taken seasonality and perishability into account in setting the POI in other cases. See Final Determination of Sales at Less Than Fair Value: Fresh Kiwifruit from New Zealand, 57 FR 13695 (Apr. 17, 1992) (*Kiwifruit from New Zealand*). We have not departed from our standard methodology for determining the POI, as set forth in 19 CFR 351.204(b)(1), because the petitioners have not demonstrated that the margins calculated using the normal POI are unrepresentative of the current level of dumping activity (and thus that seasonality is a concern here). This decision is consistent with the

Department's treatment of price and cost data in administrative reviews of the existing order on FCOJ from Brazil (*i.e.*, the Department has developed a practice of relying on pricing and cost data for the period under consideration, rather than for the Brazilian marketing year). Regarding perishability, we disagree that the Department's findings in *Kiwifruit from New Zealand* apply in this case. In *Kiwifruit from New Zealand*, perishability may have affected price trends. Here, however, the perishability at issue is certain orange juice, not oranges for processing. By the petitioners' own admission, the shelf life of certain orange juice ranges from one to two years. See the January 6 petition supplement at page 2. Consequently, we find the petitioners' reliance on this case to be misplaced.

The petitioners based export price (EP) on average unit values (AUVs) for subject merchandise derived from official U.S. import statistics for the POI. For one of these calculations, the petitioners used the AUV of imports that entered through the port of New York only. We adjusted this weighted-average AUV to include entries made through all ports in the United States, in accordance with our practice. Additionally, we deducted amounts for foreign inland freight and insurance, brokerage, handling, and port charges from the AUVs used to derive U.S. prices. See the "Initiation Checklist."

As part of their allegation, the petitioners provided an AUV for all imports of FCOJM during the POI. Because this import data potentially included merchandise exported by Brazilian companies subject to the existing order on FCOJ, we compared this information to company-specific FCOJM price information provided by the petitioners, as described below, for the specific companies covered by this petition. Based on this comparison, we find that the petitioners' AUV data is conservative. Therefore we have relied on it for purposes of initiation.

In addition to AUV information, the petitioners also provided company-specific FCOJM price data for each of the companies covered by this petition. However, we have not relied on additional futures data from the New York Board of Trade for one of these companies because the petitioners provided an inadequate link between the Brazilian exporter and the country of origin of the merchandise shipped from the exporter's U.S. storage facility. Similarly, we have not relied on the information provided for the remaining companies because the origin of the orange juice for which the pricing data was submitted was unclear (*i.e.*, the

ITA's determination as to which merchandise is in the class of merchandise sold at LTFV").

³ On February 3, 2005, we received an additional challenge to industry support.

product consisted of a blend of orange juice from numerous countries other than Brazil). For further discussion, see the "Initiation Checklist."

Finally, the petitioners also provided company-specific NFC price data for one Brazilian company. The price information was provided in an affidavit from an official with direct knowledge of the prices charged by Brazilian processors. Thus, we have accepted this data for purposes of initiation. For further discussion, see the "Initiation Checklist."

Normal Value

With respect to normal value (NV), the petitioners stated that home market prices were not reasonably available. To substantiate their argument, the petitioners state that the information reasonably available to them suggests that sales of the foreign like product in the home market are negligible. See the petition at page 63. According to the petitioners, Brazil's orange juice industry is geared almost exclusively to exports. Consequently, the petitioners used statistics on Brazil's third-country exports published by the U.S. Department of Agriculture (USDA) as the basis for determining NV. In selecting the third-country market, the petitioners chose Belgium because: (1) It is the largest third-country market for scope merchandise during the POI; (2) the aggregate quantity of scope merchandise sold by Brazilian exporters to Belgium accounted for more than five percent of the aggregate quantity of the scope merchandise sold in the United States; and (3) the product sold to the Belgian market is comparable to the product which served as the basis for EP. After examining this evidence, we found the petitioners' selection of Belgium as the comparison market to be reasonable.

The petitioners calculated third-country price using quantities and FOB values from the official Brazilian export statistics as published by the USDA with adjustments for Brazilian inland freight and insurance, brokerage, handling, and port charges.

Pursuant to section 773(b) of the Act, the petitioners provided information demonstrating reasonable grounds to believe or suspect that sales by Brazilian producers in the relevant foreign market were made at prices below the cost of production (COP) and, accordingly, requested that the Department conduct a country-wide sales-below-COP investigation in connection with this investigation. See the February 7, 2005, petition supplement. The Statement of Administrative Action (SAA), submitted to the Congress in connection with the

interpretation and application of the URAA, states that an allegation of sales below COP need not be specific to individual exporters or producers. See SAA, H.R. Doc. No. 103-316 at 833 (1994). The SAA, at 833, states that "Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation."

Further, the SAA provides that section 773(b)(2)(A) of the Act retains the requirement that the Department have "reasonable grounds to believe or suspect" that below-cost sales have occurred before initiating such an investigation. Reasonable grounds exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices. *Id.*

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM), selling, general, and administrative (SG&A) expenses, and packing. The petitioners calculated COM based on publicly available information for certain input costs in Brazil, where such information was available. Where such information was not available, the petitioners relied upon input costs provided by U.S. producers, adjusted for known differences between costs incurred to produce certain orange juice in the United States and Brazil. The petitioners did not add packing costs to the COP because certain orange juice is generally transported in tanks, bins, and drums, which are reusable capital.

To calculate SG&A, the petitioners relied on U.S. processor estimates. However, for purposes of initiation, we have recalculated SG&A to be based on the 1998-1999 financial statements for Louis Dreyfus, a Brazilian producer of orange juice, provided by the petitioners in their February 3, 2005, petition supplement because the SG&A reflected in these statements more closely reflect the experience of Brazilian orange juice producers.

Based on a comparison of the Belgian market prices for certain orange juice to the COPs calculated in the petition, we find reasonable grounds to believe or suspect that sales of the foreign like product were made at prices below the COP within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation relating to third-country sales to Belgium. We note, however, that if we determine during

the course of this investigation that the home market (*i.e.*, Brazil) is viable or that Belgium is not the appropriate third-country market upon which to base normal value, our initiation of a country-wide cost investigation with respect to sales to Belgium will be rendered moot.

Because third-country price fell below cost, pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, the petitioners based NV for sales in the United States on CV. The petitioners calculated CV using the same COM and SG&A figures used to compute the Belgian third-country market costs. As noted above, however, we based SG&A on the financial statements of Louis Dreyfus. Consistent with section 773(e)(2) of the Act, the petitioners included in CV an amount for profit. For profit, the petitioners initially relied on U.S. processor estimates. In addition, the petitioners also submitted a profit rate based on the 2003 financial statements of a Brazilian beverage producer that does not produce subject merchandise or juice products, in further support of the profit reported in the petition. Also, as noted above, the petitioners provided the 1999 financial statements of Louis Dreyfus. For purposes of initiation, we have relied on the profit data from Louis Dreyfus because it more closely reflects the experience of the Brazilian orange juice industry.

Based on the changes noted above, the recalculated dumping margins for certain orange juice from Brazil range from 24.12 percent to 60.29 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of certain orange juice from Brazil are being, or are likely to be, sold at less than fair value.

Allegation and Evidence of Material Injury and Causation

With regard to Brazil, the petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV.

The petitioners contend that the industry's injured condition is evident in the declining trends in market share, sales value and revenue, production volume, shipments, and employment. These factors apply to both the firms that produce certain orange juice, and the growers of the raw agricultural product, *i.e.*, oranges for processing. The allegations of injury and causation are

supported by relevant evidence including information from U.S. import statistics, the New York Board of Trade, industry studies and reports, the USDA, and press reports from a variety of sources. We have assessed the allegations and supporting evidence regarding material injury and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation. See the "Initiation Checklist" at Attachment III.

Regarding the existing antidumping order on FCOJ from Brazil, the petitioners stated in their January 6, 2005, petition supplement that the existing order has had a very limited effect in preventing the dumping alleged in the petition. According to the petitioners, the FCOJ pricing evident in the marketplace (both before and after the hurricane damage in the fall of 2004) confirms that the current order has ceased to have any corrective impact. In addition, the petitioners point out that, because the existing order only covers FCOJ, not NFC, it has no impact in preventing damage inflicted by dumped NFC from Brazil.

Initiation of Antidumping Investigation

Based upon our examination of the petition on certain orange juice, we have found that it meets the requirements of section 732 of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of certain orange juice from Brazil are being, or are likely to be, sold in the United States at less than fair value. Unless this deadline is extended pursuant to section 733(b)(1)(A) of the Act, we will make our preliminary determination no later than 140 days after the date of this initiation.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of Brazil. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition, as provided for under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine no later than March 7, 2005, whether there is a reasonable indication that imports of certain orange juice from

Brazil are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: February 7, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5-587 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-485-805]

Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Romania: Final Results of Antidumping Duty Administrative Review and Final Determination Not To Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 7, 2004, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review of certain small diameter carbon and alloy seamless standard, line, and pressure pipe (seamless pipe) from Romania. This review covers one manufacturer/exporter of the subject merchandise. The period of review (POR) is August 1, 2002, through July 31, 2003. Based on our analysis of comments received, these final results differ from the preliminary results. The final results are listed below in the "Final Results of Review" section.

EFFECTIVE DATES: February 11, 2005.

FOR FURTHER INFORMATION CONTACT: David Layton or Erin Begnal, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0371 and (202) 482-1442, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the preliminary results of the antidumping duty administrative review of seamless pipe from Romania. See *Certain Small*

Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Romania: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review and Preliminary Determination Not To Revoke in Part, 69 FR 54119 (September 7, 2004) (Preliminary Results). The review covers one manufacturer/exporter, S.C. Silcotub S.A. (Silcotub).

Romania's designation as a non-market-economy (NME) country remained in effect until January 1, 2003.¹ Because the first five months of the POR fell before Romania's graduation to market-economy status and the last seven months of this POR came after its graduation, in its antidumping questionnaire to Silcotub, dated November 14, 2003, the Department determined that it would treat Romania as an NME country from August 1, 2002, through December 31, 2002, and a market-economy (ME) country from January 1, 2003, through July 31, 2003. The first part of this notice refers to the NME portion of the POR (NME POR) and the Department's NME methodology, and the second part of this notice refers to the ME portion of the POR (ME POR) and the Department's ME methodology. In the section of this notice entitled *Final Results of the Review*, we have calculated a weighted-average dumping margin reflecting the margin we calculated for the NME POR and the dumping margin we calculated for the ME POR. This weighted-average figure reflects the margin of dumping for the entire POR.

We invited parties to comment on our preliminary results of review. Silcotub filed a brief on November 12, 2004, and a rebuttal brief on November 18, 2004. On December 10, 2004, the Department rejected Silcotub's case brief because it contained new factual information.²

¹ In *Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Antidumping Duty Administrative Review*, 68 FR 12672, 12673 (March 17, 2003), the Department reviewed the non-market-economy status of Romania and determined to reclassify Romania as a market economy for purposes of antidumping and countervailing duty proceedings, pursuant to section 771(18)(A) of the Tariff Act of 1930, as amended (The Act), effective January 1, 2003. See Memorandum from Lawrence Norton, Import Policy Analyst, to Joseph Spetrini, Acting Assistant Secretary for Import Administration: Antidumping Duty Administrative Review of Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania—Non-Market Economy Status Review (March 10, 2003).

² See Letter from Department of Commerce to Silcotub regarding *2002-2003 Administrative Review of the Antidumping Duty Order on Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania* (December 3, 2004).

Silcotub filed a redacted case brief on December 14, 2004. The domestic interested party, United States Steel Corporation (U.S. Steel), filed a case brief on November 12, 2004, and a rebuttal brief on November 18, 2004. On January 5, 2005, we issued a letter requesting parties to comment on two issues: (1) The most appropriate methodology for the Department to use in calculating an all-others rate for future entries; and (2) whether it was more appropriate to calculate the company-specific cash-deposit rate based on the weighted-average margin reflecting sales from both the ME and NME portions of the POR or on sales from the ME portion alone. We received comments on these issues from U.S. Steel on January 11, 2005.

Scope of the Order

The products covered by the order are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of the order are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifications, Characteristics, and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel

pressure pipe meeting the ASTM A-106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM A-335 standard must be used if temperatures and stress levels exceed those allowed for ASTM A-106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A-333 or ASTM A-334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless water well pipe (ASTM A-589) and seamless galvanized pipe for fire protection uses (ASTM A-795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53, API 5L-B, and API 5L-X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple or quadruple certified pipes is use in pressure piping systems by refineries, petrochemical plants, and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However,

ASTM A-106 pipes may be used in some boiler applications.

Redraw hollows are any unfinished pipe or "hollow profiles" of carbon or alloy steel transformed by hot rolling or cold drawing/hydrostatic testing or other methods to enable the material to be sold under ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the specific exclusions discussed below, and whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of the order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A-106 applications. These specifications generally include ASTM A-161, ASTM A-192, ASTM A-210, ASTM A-252, ASTM A-501, ASTM A-523, ASTM A-524, and ASTM A-618. When such pipes are used in a standard, line, or pressure pipe application, with the exception of the specific exclusions discussed below, such products are covered by the scope of the order.

Specifically excluded from the scope of the order are boiler tubing and mechanical tubing, if such products are not produced to ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-335, ASTM A-589, ASTM A-795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. In addition, finished and unfinished OCTG are excluded from the scope of the order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications.

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as

petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being used in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in covered applications as described above. For example, if, based on evidence provided by petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A-161 specification is being used in a standard, line or pressure application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.

Separate Rates

Because we are conducting this review in accordance with 19 CFR 351.408, we are applying our NME methodology for Silcotub in the first five months of this review (August-December 2002). Silcotub has requested a separate, company-specific antidumping duty rate in this review. In the preliminary results, we found that Silcotub had met the criteria for the application of separate antidumping duty rates. See Preliminary Results. We have not received any other information since the preliminary results which would warrant reconsideration of our separate rates determination with respect to this company. Therefore, we determine that Silcotub should be assigned a rate separate from the NME entity for the NME portion of this administrative review period.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the "Issues and Decision Memorandum" (Decision Memorandum) from Barbara E. Tillman, Acting Deputy Assistant Secretary, Import Administration, to Joseph E. Spetrini, Acting Assistant Secretary for Import Administration, dated February 4, 2005, which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded in the Decision Memorandum is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Commerce building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Fair Value Comparisons

We calculated constructed export price (CEP) and normal value (NV) based on the same methodology we used in the preliminary results. Changes to ocean freight, unpaid freight for billets, model-matching, home-market credit expenses, U.S. credit expense, inventory carrying costs, and the indirect selling expenses of Duferco S.A. are detailed in the analysis memorandum and/or the Decision Memorandum.

Cost of Production

We calculated the cost of production (COP) for the merchandise based on the same methodology we used in the preliminary results. We found that Silcotub made sales below cost, and we disregarded such sales where appropriate.

No Revocation in Part

On August 29, 2003, Silcotub requested that the Department revoke the antidumping duty order in part with regard to Silcotub based on the absence of dumping pursuant to section 351.222(b)(2) of the Department's regulations. Silcotub submitted, along with its revocation request, a certification stating the following: (1) The company did not sell subject merchandise at less than NV during the POR and in the future it would not sell such merchandise at less than NV (see section 351.222 (e)(1)(i) of the Department's regulations); (2) the company has sold subject merchandise to the United States in commercial quantities during each of the past three years (see section 351.222(e)(1)(ii) of the Department's regulations; and (3) the company agreed to its immediate reinstatement in the order, as long as any exporter or producer is subject to the order, if the Department concludes that the company sold the subject merchandise at less than NV subsequent to the revocation. See sections

351.222(b)(2)(i)(B) and 351.222(e)(1)(iii) of the Department's regulations.

For these final results, the Department has relied upon Silcotub's sales activity during the 2000-2001, 2001-2002, and 2002-2003 PORs in making its decision regarding Silcotub's revocation request. Although Silcotub had two consecutive years of sales at not less than NV, Silcotub has not received a zero or *de minimis* margin in the instant review. Thus, Silcotub is not eligible for consideration for revocation. Accordingly, we determine not to revoke the order with respect to Silcotub's sales of certain small diameter carbon and alloy seamless standard, line, and pressure pipe to the United States.

All-Others Rate

As a result of Romania's transition from an NME to an ME during the course of the POR, we invited comments on the rate to be used as the all-others rate for the proceeding. The Department has determined to apply an all-others rate of 13.06 percent. See Decision Memorandum at Comment 19

Final Results of Review

As a result of our review, we determine that the following weighted-average percentage margin exists for the period August 1, 2002, through July 31, 2003:

Manufacturer/exporter	Margin (percent)
S.C. Silcotub S.A.	1.21

Assessment

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates by dividing the dumping margin found on the subject merchandise examined by the entered value of such merchandise. Where the importer-specific assessment rate is above *de minimis*, we will instruct CBP to assess antidumping duties on that importer's entries of subject merchandise. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Cash-Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by

section 751(a) of the Act: (1) For the company named above, the cash-deposit rate will be the rate listed above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash-deposit rate will continue to be the company-specific rate published in the prior segment of the proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding but the manufacturer is, the cash-deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 13.06 percent. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification

This notice also serves as the final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and in the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

Dated: February 4, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Appendix—Decision Memorandum

Comment 1: Romania As Its Own Surrogate Country
 Comment 2: Silcotub's Market-Economy General & Administrative Expense Ratio
 Comment 3: Silcotub's Financial Expense Ratio

Comment 4: Indirect Selling Expenses of Duferco S.A.
 Comment 5: Indirect Selling Expenses of Duferco Steel Inc.
 Comment 6: Freight for Billets
 Comment 7: Indexing Brokerage and Handling Rate Using U.S. Producer Price Index
 Comment 8: Non-Market-Economy Packing Costs
 Comment 9: Ocean Freight Expenses for U.S. Sales in the Non-Market-Economy Portion of the POR
 Comment 10: Treatment of the Schedule Field in the Model-Matching Methodology
 Comment 11: Non-Market-Economy Natural Gas Price
 Comment 12: Start-Up Adjustment
 Comment 13: Model-Matching Methodology
 Comment 14: Ordinary Course of Trade
 Comment 15: Home Market Credit Expense
 Comment 16: DSI's Credit Expense
 Comment 17: Treatment of Negative Margins
 Comment 18: Cash-Deposit Rate
 Comment 19: All-Others Rate

[FR Doc. E5-586 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-814]

Stainless Steel Sheet and Strip in Coils From France: Final Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On August 6, 2004, the Department of Commerce (Department) published the preliminary results of its administrative review of the antidumping duty order on certain stainless steel sheet and strip in coils (SSSS) from France. *See Stainless Steel Sheet and Strip in Coils from France*, 69 FR 47892 (August 6, 2004) (*Preliminary Results*). This review covers all shipments of this merchandise to the United States during the period from July 1, 2002, through June 30, 2003 by Ugine & ALZ France, S.A. (UA France). We gave interested parties an opportunity to comment on the *Preliminary Results*. Based on our analysis of the comments received, we have made changes to the *Preliminary Results*. For the final dumping margins, see the "Final Results of Review" section below.

EFFECTIVE DATE: February 11, 2005.

FOR FURTHER INFORMATION CONTACT: Sebastian Wright or Sean Carey at (202) 482-5254 and (202) 482-3964, respectively; AD/CVD Operations, Office 6, Import Administration, International Trade Administration,

U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2004, the Department published the *Preliminary Results* where we determined that U.S. sales had been made below normal value (NV). We invited parties to comment on our *Preliminary Results*. On September 7, 2004, UA France and Petitioners¹ filed comments on our *Preliminary Results*. On September 13, 2004, UA France and Petitioners filed rebuttal comments. Neither party requested a hearing. The Department has now completed this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Antidumping Duty Order

For purposes of this administrative review, the products covered by the order are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTS") at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81², 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035,

¹ Allegheny Ludlum Corporation, AK Steel, Inc., North American Stainless, United Steelworkers of America, AFL-CIO/CLC, Butler Armco Independent Union, and Zanesville Armco Independent Organization are the Petitioners in the case.

² Due to changes to the HTS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.

7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080.

Although the HTS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under review is dispositive.

Excluded from the review of this order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. *See* Chapter 72 of the HTS, "Additional U.S. Note" 1(d).

Flapper valve steel is also excluded from the scope of the order. This product is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of

suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless steel strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."³

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This

steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."⁴

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."⁵

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (*e.g.*, carpet knives).⁶ This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo." The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is "GIN5" steel. The third specialty steel

⁴ "Gilphy 36" is a trademark of Imphy, S.A.

⁵ "Durphynox 17" is a trademark of Imphy, S.A.

⁶ This list of uses is illustrative and provided for descriptive purposes only.

³ "Arnokrome III" is a trademark of the Arnold Engineering Company.

has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6".⁷

Country of Origin

In the *Preliminary Results*, we examined whether certain sales of SSSS should be excluded from the scope of this order because the SSSS was hot-rolled in Belgium and then annealed and pickled in France, but not further cold-rolled in France. UA France contends that this material, which it designated HRAP, is not within the scope of the order in this case because it is deemed to be of Belgian origin pursuant to the Department's findings in *Stainless Steel Sheet and Strip in Coils from the U.K. See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from the U.K.*, 64 FR 30688 (June 9, 1999) at Comment 13. In the *Preliminary Results*, we agreed with UA France and concluded that the material was of Belgian origin. *See Preliminary Results*.

Additionally, in the *Preliminary Results*, we stated that we would continue to analyze the record evidence and the arguments raised by the parties on this issue for the purposes of the final results. Neither party commented on this issue in their brief or rebuttal brief in this case. However, the parties to this case are also parties in another case before the Department in which this issue is also present. *See Stainless Steel Plate in Coils from Belgium: Final Results of Antidumping Duty Administrative Review*, 69 FR 74495 (December 14, 2004) and accompanying Issues and Decision Memorandum at Comment 4 (*SSPC from Belgium*).

In *SSPC from Belgium*, after consideration of parties' comments, we concluded that the material hot-rolled in Germany but not further cold-rolled in Belgium was of German origin. *Id.* Therefore, in accordance with the Department's finding in *SSPC from Belgium*, we continue to find, as we did in the *Preliminary Results*, that the SSSS which is hot-rolled in Belgium, but not further cold-rolled in France is of Belgian origin.

Analysis of Comments Received

All the issues raised in the case and rebuttal briefs by the parties to this administrative review are addressed in the *Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration: Issues and Decision Memorandum for the Final Results of the Fourth Administrative Review of Stainless Steel Sheet and Strip in Coils from France*, dated February 2, 2005 (*Decision Memo*), which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded, all of which are addressed in the *Decision Memo*, is attached to this notice as an appendix. Parties can find a complete discussion of all the issues raised in this review and the corresponding recommendations in the *Decision Memo*, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and the electronic version of the *Decision Memo* are identical in content.

Based on our analysis of the comments received, we have made certain changes in the margin calculations for UA France. We have also addressed the alleged ministerial errors submitted in the briefs. For further details, see the *Decision Memo* and the *Memorandum to the File from Sebastian Wright to Sean Carey: Analysis Memorandum for Ugine & ALZ France, S.A. for the Final Results of the Fourth Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from France*, (February 2, 2005) (*Analysis Memo*).

Final Results of Review

As a result of our review, we determine the antidumping margin for UA France to be as follows:

Manufacturer/exporter	Margin (percent)
Ugine & ALZ France, S.A. (UA France)	9.65

Duty Assessment

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Pursuant to section 351.212(b) of the Department's regulations, an assessment rate is calculated for each importer of the subject merchandise for each respondent. The Department will issue

appropriate assessment instructions directly to CBP within 15 days of publication of the final results of review.

Cash Deposit Requirements

The following antidumping duty deposit rates will be required on all shipments of SSSS from France entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided for by section 751(a)(1) of the Act: (1) For UA France, the cash deposit rate will be the rate indicated above; (2) for previously reviewed or investigated companies other than UA France, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered by this review, a prior review, or the LTFV investigation, the cash deposit rate shall be the "all others" rate established in the LTFV investigation, which is 9.38 percent *ad valorem*. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from France*, 64 FR 30820 (June 8, 1999). These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under section 351.402(f)(2) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties, pursuant to section 351.402(f)(3) of the Department's regulations.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely

⁷ "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 2, 2005.

Barbara E. Tillman,

Acting Assistant Secretary for Import Administration.

APPENDIX

List of Issues

1. Constructed Export Price (CEP) Offset
2. Date of Sale for Certain Home-Market Sales
3. Credit Expenses
4. Application of Adverse Facts Available for Sales to Bernier
5. Offsetting Margins with Above-Normal-Value Transactions
6. Offsetting Home-Market Commissions
7. Further Manufacturing Adjustments
8. Ministerial Errors: Interest Expenses, Home-Market Warranty Expenses, and Commission Expenses

[FR Doc. E5-576 Filed 2-10-05; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-826]

Notice of Final Results of Antidumping Duty Administrative Review: Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 11, 2005.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Patrick Edwards at (202) 482-0405 or (202) 482-8029, respectively; AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2004, the Department of Commerce ("the Department") published in the **Federal Register** its preliminary results in this administrative review. *See Notice of Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 54125 (September 7, 2004) ("Preliminary Results"). We invited parties to comment on the Preliminary

Results. On October 7, 2004, we received case briefs from the sole respondent, V&M do Brasil, S.A. ("VMB"), and the petitioner, United States Steel Corporation ("petitioner"). Both parties submitted rebuttal briefs on October 14, 2004. No public hearing was held. Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), the Department extended the time limit for the final results by 30 days, from January 5, 2005, to February 4, 2005. *See Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil*, 69 FR 75916 (December 20, 2004).

Scope of the Order

For purposes of this review, the products covered by the order are seamless pipes produced to the ASTM A-335, ASTM A-106, ASTM A-53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification.

For purposes of this order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thickness are commonly referred to as tubes.

The seamless pipes subject to this antidumping duty order are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The following information further defines the scope of this order, which covers pipes meeting the physical parameters described above:

Specifications, Characteristics and Uses: Seamless pressure pipes are

intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A-106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers ("ASME") code stress levels. Alloy pipes made to ASTM standard A-335 must be used if temperatures and stress levels exceed those allowed for A-106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipelines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent ASTM A-106 specification necessarily meet the API 5L and ASTM A-53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A-53 specification. However, pipes meeting the A-53 or API 5L specifications do not necessarily meet the A-106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple-certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple-certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines

and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A-106 pipes may be used in some boiler applications.

The scope of this order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of this order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A-335, ASTM A-106, ASTM A-53, or API 5L standards shall be covered if used in a standard, line or pressure application.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A-106 applications. These specifications generally include A-162, A-192, A-210, A-333, and A-524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of this order.

Specifically excluded from this order are boiler tubing and mechanical tubing, if such products are not produced to ASTM A-335, ASTM A-106, ASTM A-53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods ("OCTG") are excluded from the scope of this order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. Finally, also excluded from this order are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Analysis of Comments Received

The issues raised in the case briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, from Barbara E. Tillman, Acting Deputy Assistant Secretary ("Decision Memorandum"), which is hereby adopted by this notice. A list of the issues addressed in the

Decision Memorandum is appended to this notice. The Decision Memorandum is on file in the Central Records Unit in Room B-099 of the main Commerce building, and can also be accessed directly on the Web at <http://www.ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made adjustments to the product model matching and weighting criteria, the short-term interest rate, credit expense, inventory carrying costs, indirect selling expenses, total cost of manufacturing, general and administrative ("GA") expense, interest revenue, packing, and inland freight expense used in calculating the final dumping margin in this proceeding. The adjustments are discussed in detail in the Decision Memorandum.

Final Results of Review

As a result of our review, we determine that V&M do Brasil is the successor to Mannesmann, S.A., and that the following weighted-average margin exists for the period of August 1, 2002, through July 31, 2003:

Producer	Weighted-average margin (percentage)
V&M do Brasil	12.67

Assessment

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise produced by VMB. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

Cash Deposits

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of seamless carbon and certain alloy steel standard, line and pressure pipe from Brazil entered, or withdrawn from

warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Act: (1) For the company covered by this review, the cash deposit rate will be the rate listed above; (2) for merchandise exported by producers or exporters not covered in this review but covered in the investigation, the cash deposit rate will continue to be the company-specific rate from the final determination; (3) if the exporter is not a firm covered in this review or the investigation, but the producer is, the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final determination; and (4) if neither the exporter nor the producer is a firm covered in this review or the investigation, the cash deposit rate will be 124.94 percent, the "All Others" rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402 (f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 4, 2005.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

Appendix—Issues in Decision Memorandum

Comment 1: Product Matching to Similar Merchandise
Comment 2: CEP Offset
Comment 3: Interest Rate
Comment 4: Credit Expenses

Comment 5: Inventory Carrying Costs
 Comment 6: Reversal of Bad Debt Expense
 Comment 7: Adjustment to Cost of Manufacturing
 Comment 8: GA Expense Ratio
 Comment 9: Clerical Errors
 a. Home Market Interest Revenue
 b. U.S. Packing Expense
 c. Home Market Inland Insurance

[FR Doc. E5-584 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020205G]

International Whaling Commission; Intersessional Revised Management Scheme Working Group Meeting; Nominations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Request for nominations.

SUMMARY: This notice is a call for nominees for one non-federal position to the U.S. Delegation to the March 2005 International Whaling Commission (IWC) intersessional Revised Management Scheme (RMS) Working Group meeting.

DATES: All nominations for the U.S. Delegation to the IWC intersessional RMS Working Group meeting must be received by March 4, 2005.

ADDRESSES: All nominations for the U.S. Delegation to the IWC intersessional RMS Working Group meeting should be addressed to Rolland Schmitt, U.S. Commissioner to the IWC, and sent via post to: Cheri McCarty, 13708, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Prospective Congressional advisors to the delegation should contact the Department of State directly.

FOR FURTHER INFORMATION CONTACT: Cheri McCarty, 301-713-2322, Ext. 114.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. The U.S. Commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of

the Interior, the Marine Mammal Commission, and by other agencies. The non-federal representative selected as a result of this nomination process is responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations.

The intersessional RMS Working Group meeting will be held March 30–April 1, 2005, in Copenhagen, Denmark.

Dated: February 7, 2005.

Laurie Allen,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05-2689 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Comment for Enhancement of the Initial Integrated Ocean Observing System (IOOS)

AGENCY: National Ocean Service, NOAA, Department of Commerce.

ACTION: Notice of opportunity for written public comment.

SUMMARY: This notice announces the opportunity for the public to comment on the implementation and development of the U.S. Integrated Ocean Observing System (IOOS).

DATES: Ocean.US will host an Implementation Conference on Tuesday, May 3, 2005 and Wednesday, May 4, 2005. The purpose of this conference is to enable coordinated implementation of the First Annual IOOS Development Plan (available at <http://www.ocean.us>). The public is invited to submit written comments on the plan and priorities for implementation by close of business on Friday, April 22, 2005. Please submit comments via e-mail to k.stump@ocean.us or in written to Ms. Kristine Stump, Ocean.US, 2300 Clarendon Blvd., Suite 1350, Arlington, VA 22201.

ADDRESSES: The meeting location has yet to be determined.

FOR FURTHER INFORMATION CONTACT: For more information regarding this Notice, please contact Ms. Kristine Stump: Ocean.US telephone (703) 588-0855 or E-mail k.stump@ocean.us.

SUPPLEMENTARY INFORMATION: Ocean.US was established to plan and coordinate implementation of the U.S. Integrated Ocean Observing System (IOOS). The IOOS is the U.S. contribution to the Global Ocean Observing System and to

the oceans and coasts component of the Global Earth Observation System of Systems. The First Annual IOOS Development Plan and other planning documents can be viewed at <http://www.ocean.us>. The IOOS is a sustained network of sensors on buoys, ships, satellites, underwater vehicles, and other platforms that routinely supplies the data and information needed for rapid detection and timely predictions of changes in our Nation's coastal waters and on the high seas. An initial IOOS consisting of existing systems has been identified, and needs for enhancements have been submitted by IOOS stakeholders. Building on last year's First Annual IOOS Implementation Conference, this Second Annual IOOS Implementation Conference will allow stakeholders to contribute to updating and improving the First Annual IOOS Development Plan.

Dated: February 7, 2005.

Peter Gibson,

Acting Deputy Chief Financial Officer, For Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 05-2677 Filed 2-10-05; 8:45 am]

BILLING CODE 3510-JE-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[I.D. 100604B]

Notice of Availability of a Draft Environmental Impact Statement and Conservation Plan

AGENCY: National Marine Fisheries Service, NOAA, Commerce; Fish and Wildlife Service, Interior

ACTION: Notice of applications and availability of documents for public comment.

SUMMARY: This notice announces the availability of the Draft Environmental Impact Statement (DEIS) and conservation plan for public review and comment. The Washington Department of Natural Resources (WDNR), on behalf of the State of Washington, has submitted applications to the National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS) (the Services) for incidental take permits under section 10 of the Endangered Species Act (ESA) of 1973 as amended. The conservation plan also serves as the

basis of an application to the Services that they each take steps under section 4(d) of the ESA to limit the application of the prohibition against take of listed salmon, steelhead and bull trout so that it does not apply to forest practices regulated by the State of Washington on non-Federal and non-tribal lands.

DATES: Written comments on the conservation plan, Implementation Agreement and DEIS will be accepted for a period of 90 days, beginning on February 11, 2005 and ending at 5 p.m. Pacific Time on May 12, 2005. Written comments may be sent by mail, facsimile, or e-mail to the addresses listed below.

ADDRESSES: Please address written comments to Sally Butts, U.S. Fish and Wildlife Service, 510 Desmond Drive S.E., Suite 102, Lacey, WA 98503-1263, facsimile (360) 753-9518; or Steve Keller, National Marine Fisheries Service, 510 Desmond Drive S.E., Suite 103, Lacey, WA 98503-1273, facsimile (360) 753-9517. Please send e-mail comments to:

ForestPracticesHCP.nwr@noaa.gov.

FOR FURTHER INFORMATION CONTACT: For further information, or to receive the documents on CD ROM, please contact Sally Butts, Project Manager, Fish and Wildlife Service, (360)753-5832; or Steve Keller, Project Manager, National Marine Fisheries Service, (360) 534-9309.

SUPPLEMENTARY INFORMATION: The documents being made available include: (1) the proposed conservation plan; (2) the proposed Implementing Agreement; and (3) the draft environmental impact statement (DEIS). This notice is provided pursuant to the ESA and the National Environmental Policy Act (NEPA) of 1969, as amended. The Services are furnishing this notice to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record for this action.

Hard bound copies of the conservation plan, Implementation Agreement and DEIS are available for viewing, or partial or complete duplication, at all Washington State libraries and most city and county libraries.

Background

Section 9 of the ESA and Federal regulations prohibit the unauthorized "taking" of a species listed as endangered or threatened. The term take is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such

conduct. Harm is defined to include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering (50 CFR 17.3, 50 CFR 222.102). NMFS further defines harm to include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, spawning, migrating, rearing, and sheltering (64 FR 60727).

The Services may issue incidental take permits, under section 10(a)(1)(B) of the ESA, to take listed species incidental to, and not the purpose of, otherwise lawful activities. FWS regulations governing permits for federally endangered and threatened species are promulgated in 50 CFR 13.21. NMFS regulations governing permits for federally endangered and threatened species are promulgated under 50 CFR 222.307.

The Services also may issue a rule under section 4(d) of the ESA, providing for the conservation of threatened species while authorizing incidental take under certain conditions.

As a result of the listing of several salmon species and bull trout in Washington State in the mid to late 1990s, stakeholder groups including Federal agencies, state and local government agencies, Tribes, and large and small private forest landowners, collaborated to develop a science-based plan known as the Forests and Fish Report to improve water quality and habitat for aquatic species on non-Federal and non-Tribal forestland, while maintaining an economically viable timber industry in Washington State. The Forests and Fish Report was endorsed by the state legislature which amended the Revised Code of Washington with respect to the Washington Forest Practices Act (RCW 76.09). Subsequently, the Washington Forest Practices Board amended the Washington Administrative Code with respect to the Washington Forest Practices Rules (WAC 222) to be consistent with the Forest and Fish Report. These rules, and other non-regulatory commitments, are incorporated in the state's conservation plan. The state legislature further stipulated that its actions were premised upon the expectation that any related incidental take of listed species otherwise prohibited by section 9 and Federal regulations would be permitted or authorized by the Services by June 30, 2005.

The WDNR, on behalf of the State of Washington, has applied to: (1) obtain incidental take permits, pursuant to section 10(a)(1)(B) of the ESA for endangered, threatened and covered species; and, (2) request from the Services a limitation on the application of the prohibition against take, pursuant to section 4(d) of the ESA for identified threatened species only, for forest practices activities in compliance with the state forest practices rules and administrative program. The forest practices rules, administrative program and other provisions are described in the conservation plan and Implementing Agreement and serve as documentation that the conservation plan meets the requirements of section 4(d) as well as section 10. Each of these actions is represented as an alternative in the DEIS.

Activities proposed for coverage under the incidental take permits or for a limitation on the application of the prohibition against take include the following: (1) timber harvesting (including final and intermediate harvesting, and pre-commercial thinning activities), (2) road construction, (3) road maintenance and abandonment, (4) site preparation and reforestation of harvested areas (including piling and or burning harvest debris and mechanical scarification), and (5) adaptive management (including research and monitoring to determine the effectiveness of the forest practices rules in protecting habitat for aquatic species).

The conservation plan, described and analyzed in the DEIS, covers approximately 9.1 million acres of non-Federal and non-Tribal forest land across the State of Washington.

The proposed incidental take permits, under section 10, would authorize the take of the following federally endangered species incidental to otherwise lawful activities: Upper Columbia River spring-run chinook salmon (*Oncorhynchus tshawytscha*), Snake River sockeye salmon (*O. nerka*), and Upper Columbia River steelhead (*O. mykiss*).

The proposed incidental take permits would also authorize the take of the following federally threatened species incidental to otherwise lawful activities: Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), Lower Columbia River chinook salmon (*O. tshawytscha*), Upper Willamette River chinook salmon (*O. tshawytscha*), Snake River spring/summer chinook salmon (*O. tshawytscha*), Snake River fall chinook salmon (*O. tshawytscha*), Columbia River chum salmon (*O. keta*), Hood Canal summer-run chum salmon

(*O. keta*), Ozette Lake sockeye salmon (*O. nerka*), Lower Columbia River steelhead (*O. mykiss*), Middle Columbia River steelhead (*O. mykiss*), Snake River steelhead (*O. mykiss*), Upper Willamette River steelhead (*O. mykiss*), and bull trout (*Salvelinus confluentus*) the Columbia River Distinct Population Segment and the Coastal-Puget Sound Distinct Population Segment.

The state is also seeking incidental take permit coverage for 54 currently unlisted fish species (including anadromous and resident fish) and seven currently unlisted stream-associated amphibian species under specific provisions of the Permits, should these species be listed in the future.

The proposed duration of the incidental take permits and conservation plan would be 50 years, though many aspects of the plan's conservation strategy are intended to benefit aquatic species and their habitat long into the future.

Rules adopted under section 4(d) of the ESA are limited by the statute to threatened species. NMFS has issued a 4(d) rule for most threatened salmon that occur in Washington State (50 CFR 223.203, July 10, 2000). Subsection (b)13 (Limit 13) of the rule pertains to forest practices in the State of Washington and provides a limit from take prohibitions pursuant to section 9 of the ESA for certain threatened salmonids provided that NMFS finds after public review and comment that certain specified requirements are met by the State of Washington. These requirements include, in part, that actions comply with forest practice regulations adopted and implemented by the Washington Forest Practices Board and that they are determined by NMFS to be at least as protective of habitat functions as the regulatory elements of the Forests and Fish Report. The FWS does not have a similar 4(d) rule for the federally threatened bull trout that applies to forest practices in the State of Washington. Since there is no comparable ESA 4(d) rule for bull trout, the FWS would have to develop a 4(d) rule to exempt take of bull trout. If this alternative was chosen as the preferred alternative, FWS would initiate this action. Any 4(d) rule proposed by FWS would include a public review and comment period prior to a final rule being established.

The Services formally initiated an environmental review of the project through publication of a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** on March 17, 2003 (68 FR 12676). That notice also announced a public scoping

period during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal and to attend one of four public scoping meetings held throughout the State.

Based on public scoping comments, the Services have prepared a DEIS to analyze the effects of alternatives on the human environment. Implementation of the state's conservation plan, including issuance of associated incidental take permits from the Services for endangered, threatened and covered species (should they become listed) is Alternative 2 in the DEIS. Three other alternatives are analyzed in the DEIS including: Alternative 1, no action, in that neither incidental take permits nor section 4(d) limits on the application of the prohibition against take would be issued to the state; Alternative 3, amend and implement the conservation plan and issue section 4(d) limits on the application of the prohibition against take through the NMFS Limit 13 only for those threatened species identified in the NMFS 4(d) rule, and through a new rule that would be developed by FWS for specific threatened species only; and Alternative 4, incidental take permits would be issued based on more restrictive forest practices rules that would be incorporated into the state's proposed conservation plan.

This notice is provided pursuant to the ESA and NEPA regulations. The Services will evaluate the applications, associated documents, and comments submitted thereon to determine whether the applications meet the requirements of the ESA and NEPA.

The Services will revise the DEIS in a Final Environmental Impact Statement. The Services' decisions whether to issue incidental take permits or limits on the application of the prohibition against take will be made upon completion of the Final Environmental Impact Statement and the associated Record of Decision.

Dated: October 28, 2004.

Dave Wesley,

Deputy Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

Dated: February 4, 2005.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05-2691 Filed 2-10-05; 8:45 am]

BILLING CODES 3510-22-S, 4310-55-S

CONSUMER PRODUCT SAFETY COMMISSION

Public Meeting Concerning Petition Requesting Ban of All-Terrain Vehicles Sold for Use of Children Under 16 Years Old

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Consumer Product Safety Commission ("CPSC" or "Commission") will conduct a public meeting on March 22, 2005 to receive comments concerning Petition CP 02-4/HP-02-1, which requested that the Commission issue a rule banning adult-size four wheel all terrain vehicles ("ATVs") sold for the use of children under 16 years old. The CPSC staff's briefing package recommends that the Commission deny the petition. The Commission invites oral presentations from members of the public with information or comments related to the petition or the staff's briefing package. The Commission will consider these presentations as it decides what action to take on the petition.

DATES: The meeting will begin at 10 a.m. on March 22, 2005. Requests to make oral presentations, and 10 copies of the text of the presentation, must be received by the CPSC Office of the Secretary no later than March 15, 2005. Persons making presentations at the meeting should provide an additional 25 copies for dissemination on the date of the meeting.

The Commission reserves the right to limit the number of persons who make presentations and the duration of their presentations. To prevent duplicative presentations, groups will be directed to designate a spokesperson.

Written submissions, in addition to, or instead of, an oral presentation may be sent to the address listed below and will be accepted until April 22, 2005.

ADDRESSES: The meeting will be in room 420 of the Bethesda Towers Building, 4330 East-West Highway, Bethesda, MD. Requests to make oral presentations, and texts of oral presentations should be captioned "ATV Petition Briefing" and submitted by e-mail to cpsc-os@cpsc.gov. Requests and texts of oral presentations may also be submitted by facsimile to (301) 504-0127 or mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: For information about the purpose or

subject matter of this meeting contact Elizabeth Leland, Directorate for Economic Analysis, U.S. Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-7706; e-mail: eleland@cpsc.gov. For information about the schedule for submission of requests to make oral presentations and submission of texts of oral presentations, contact Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-6833; fax (301) 504-0127; e-mail rhammond@cpsc.gov.

SUPPLEMENTARY INFORMATION:

A. Background

In August 2002, the Commission received correspondence from the Consumer Federation of America ("CFA") and eight other groups requesting several actions concerning ATVs. The Commission docketed their request that the Commission ban adult-size four wheel ATVs sold for the use of children under 16 years old as a petition. The petitioners assert that such ATVs pose an unreasonable risk of injury and death to children.

The Commission published a notice in the **Federal Register** on October 18, 2002, requesting comments on the petition. 67 FR 64353. The Commission extended the comment period 60 days. 67 FR 78776. The Commission received a total of 78 comments in response to these **Federal Register** notices. In addition, the Commission held a public hearing in Morgantown, West Virginia on June 5, 2003, and the Chairman of the Commission conducted one public hearing in Anchorage, Alaska on July 8, 2003 and another in Albuquerque, New Mexico on November 6, 2003. Presenters at these hearings discussed their opinions about the petition as well as other issues concerning ATVs.

The staff reviewed the petition, comments and other relevant available information. The staff then forwarded a briefing package to the Commission, which is available on the Commission's Web site <http://www.cpsc.gov> or from the Commission's Office of the Secretary. The staff recommends that the Commission deny the petition. The staff concludes that the effectiveness of the ban requested by petitioners would likely be limited for the following reasons. A sales ban would primarily address how ATVs are sold, rather than how they are used after they are purchased, and is likely to have limited effect on deaths and injuries. CPSC does not have the authority to regulate how consumers use a product. Under current ATV Voluntary Action Plans, major

distributors already prohibit their dealers from selling adult-size ATVs for the use of children. Also, numerous hangtags and warnings on ATVs inform consumers that adult-size ATVs are not intended for children. It is uncertain that a ban of the type petitioners request could have any greater impact than these existing measures.

B. The Public Meeting

The purpose of the public meeting is to provide a forum for oral presentations on the ATV petition and the CPSC staff briefing package.

Participation in the meeting is open. See the **DATES** section of this notice for information on making requests to give oral presentations at the meeting and on making written submissions.

Dated: February 8, 2005.

Todd A. Stevenson,
Secretary, Consumer Product Safety Commission.

[FR Doc. 05-2732 Filed 2-10-05; 8:45 am]

BILLING CODE 6355-01-P

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[OJP (OJJDP) Docket No. 1410]

Notice of Meeting

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) is announcing the March 4, 2005, meeting of the Council.

DATES: Friday, March 4, 2005, 9:15 a.m.-12:30 p.m.

ADDRESSES: The meeting will take place at the U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Robert Samuels, Acting Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, by telephone at 202-307-1357, or by e-mail at Bob.Samuels@usdoj.gov.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention established pursuant to section 3(2)(A) of the Federal Advisory Committee Act (5 U.S.C. App. 2), will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, *et seq.* Documents such as meeting

announcements, agendas, minutes, and interim and final reports will be available on the Council's Web page at <http://www.JuvenileCouncil.gov>. (You may also verify the status of the meeting at that Web address.)

Although designated agency representatives attend, the Council is composed of the Attorney General (Chair), the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary for Homeland Security, Immigration and Customs Enforcement. Nine additional members are appointed by the Speaker of the House of Representatives, the Senate Majority Leader, and the President of the United States.

The agenda for this meeting will include: (a) A review of the past meeting and public comments; (b) presentations on the Safe Schools/Healthy Students program; (c) a presentation on education programs; and (d) discussion and plans for future meetings.

For security purposes, members of the public who wish to attend the meeting must pre-register by calling the Juvenile Justice Resource Center at 301-519-6473 (Daryel Dunston) or 301-519-5790 (Karen Boston), no later than February 25, 2005. To register online, please go to <http://www.JuvenileCouncil.gov/meetings.html>. Space is limited.

Note: Photo identification will be required for admission to the meeting.

Written Comments

Interested parties may submit written comments by February 25, 2005, to Robert Samuels, Acting Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at Bob.Samuels@usdoj.gov. The Coordinating Council on Juvenile Justice and Delinquency Prevention expects public statements presented at its meetings will not be repetitive of previously submitted statements. No oral comments will be permitted at this meeting.

J. Robert Flores,
Vice-Chair, Coordinating Council on Juvenile Justice and Delinquency Prevention.

[FR Doc. 05-2692 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF DEFENSE**Department of the Army****Draft Environmental Impact Statement to Fully Integrate the Overhills Property Into the Fort Bragg Training Program, Fort Bragg, NC****AGENCY:** Department of the Army, DOD.**ACTION:** Notice of availability.

SUMMARY: The Department of the Army announces the availability of the Draft Environmental Impact Statement (DEIS) to fully integrate the Overhills property into the Fort Bragg Training Program, Fort Bragg, Cumberland and Harnett Counties, North Carolina. Presently, realistic training in Fort Bragg's Northern Training Area (NTA), one of Fort Bragg's largest training areas, is hampered by the two sets of training rules that govern training in the units. Although no physical barriers separate the Overhills training units, NTA V–VII, from NTA units I–IV, the Overhills Standard Operating Procedures (SOP) limits the number of personnel and types of activities during training exercises, effectively creating a training barrier. Applying the same training regulation to the Overhills that governs training on the rest of the installation's training program, and maximize training possibilities through the NTA.

DATES: *Comments:* To be considered in preparation for the Final Environmental Impact Statement, comments must be received not later than March 28, 2005 by the U.S. Environmental Protection Agency.

Meetings: A public meeting will be held at the Cumberland County Library and Information Center, 300 Maiden Lane, Fayetteville, North Carolina, no earlier than 15 days after the release of the DEIS to the public.

ADDRESSES: Please direct written comments or requests for copies to the DEIS to David A. Heins, Chief, Environmental Sustainment Division, Public Works Business Center, ATTN: AFZA–PW–E, Fort Bragg, NC 28310, or e-mail to heinsd@bragg.army.mil.

FOR FURTHER INFORMATION CONTACT: David A. Heins, (910) 396–8207 or e-mail to heinsd@bragg.army.mil.

SUPPLEMENTARY INFORMATION: Fort Bragg serves as headquarters for the XVIII Airborne Corps and Army Special Operations Command, and is home to the 82nd Airborne Division. The primary mission of Fort Bragg is the training and deployment of military units. Fort Bragg supports the most intensive and varied training program in the continental United States. An average of 2.5 million personnel days of

training is conducted at Fort Bragg and Camp Mackall (a sub-installation to Fort Bragg) each year. Training to sustain readiness is Fort Bragg's primary activity.

Land upon which to train personnel is vital to Fort Bragg's mission. In 1995, Fort Bragg directed a study that identified a shortfall of maneuver land of 81,876 acres, and a weapons range and impact area shortfall of 43,636 acres. In order to reduce this training land deficit, the Department of the Army purchased the Overhills property from the Rockefeller family in 1997.

The Overhills property comprises 10,580 acres in Cumberland and Harnett Counties, North Carolina, and adjoins the northern boundaries of Fort Bragg and Pope Air Force Base. An Environmental Assessment was prepared in 1999 to adopt an Interim Training Program (ITP) on the Overhills tract. Under the ITP, training was restricted to company-level, low impact (limited) military training.

Presently, the maneuver/training areas at Fort Bragg are so heavily utilized that the land to support training needs to be used to its fullest extent. These factors, in conjunction with the training land deficit identified by Fort Bragg, demonstrate the need to make maximum use of available training lands on Fort Bragg. Fully incorporation the Overhills tract, which represents the eastern part of the NTA and comprises almost half of the training area, into the installation's training program would enhance training throughout the NTA, and help sustain environmental resources in other training areas on Fort Bragg.

The Army proposes to fully integrate the Overhills into Fort Bragg's training program. The DEIS analyzes the No Action/Status Quo alternative as well as three action alternatives. Alternatives considered in detail in the DEIS are:

Alternative 1 (No Action)—Continue limited training, existing recreation, and preservation of the Overhills Historic District (the District). Fort Bragg would conduct this training in accordance with the existing Fort Bragg SOP for training on the Overhills. This SOP limits training exercises to company-sized units (approximately 250 personnel, including exercise support personnel) and prescribes the procedures for use of the Overhills for training. Company-size exercises generally require fewer than 75 vehicles per exercise. Exercises would be scheduled 4–6 times per month. The following types of exercises are permitted under the Overhills SOP:

Dismounted movement: Air mobile insertions; firing of blank small arms ammunition (up to .50 caliber) and

simulators; movement of wheeled vehicles on maintained roads and trails; fixed activities limited to bivouac, signal, or medical in existing clearings; military operations on urbanized terrain (MOUNT) training in buildings, but only on non-contributing elements within the District and non-eligible resources outside the District; hasty hand-dug personnel fighting positions; use of flame-producing munitions of any type.

Hunting and fishing would continue to be allowed subject to restrictions imposed on public access by military training schedules.

The District would be preserved in accordance with the "Standards for Preservation" in the Secretary of Interior's Standards for the Treatment of Historic Properties (38 CFR Part 68). Training in buildings considered contributing elements would not be permitted, but maneuvers in open areas within the historic district boundary would continue.

Alternative 2—Limited training, additional recreation, and adaptive reuse and/or layaway of selected contributing elements within the District. Training units would be limited to company-size (250 personnel plus support personnel), but training would be conducted in accordance with the Installation Range Regulation (IRR), not the Overhills SOP. The following additional training would be permitted:

Ground and air maneuvers involving both mechanized and light infantry with attached combat support and combat service support; operation of wheeled and tracked vehicles off road; river crossing, bridging, and waterborne operations (including water drops); construction of fortifications and obstacles; helicopter landing zones; excavations (in addition to hand-dug positions) for survivability emplacements, such as vehicle fighting positions; and use of tear gas and obscurant smoke.

A youth golf program and a horse stables program would be added to the recreational programs at Fort Bragg. These programs would utilize several of the historic buildings and structures on Overhills such as the Donald Ross golf course, the polo barn, and riding stables. New facilities would also be constructed. Hunting and fishing would continue as discussed under Alternative 1.

This alternative would maintain the historic integrity of 15 of the 56 contributing elements of the historic district. The remaining buildings and structures would be incorporated into the Fort Bragg training program after mitigating for the loss of historical

integrity by fulfilling all requirements under the National Historical Preservation Act (NEPA), the Fort Bragg Integrated Cultural Resource Management Plan (ICRMP) and Army Regulation 200-4, Cultural Resources Management.

Alternative 3—Intermediate training, additional recreation, and adaptive reuse and/or layaway of selected contributing elements within the District. Under this alternative, the level of activity on the Overhills would be increased to accommodate battalion-sized units (approximately 1,000 personnel), plus support personnel. Training would occur in accordance with the IRR. There are 40 battalions at Fort Bragg. Battalion-size field exercises typically use 75 or fewer vehicles per exercise, including support vehicles. Each battalion holds one or two 3-day field exercises per year. Movement between NTA units I-IV and Overhills (NTA V-VIII) would be fluid with no training restrictions other than the number of personnel permitted on the Overhills.

Additional recreation would consist of the youth golf and horse stables programs described for Alternative 2. Hunting and fishing would continue to be permitted, as discussed in Alternative 1. This alternative would treat the District as discussed under Alternative 2.

Alternative 4 (Preferred Alternative)—Maximum training, existing recreation, and no preservation of the District. Under this alternative, the level of training would be increased to accommodate brigade-sized units; the Overhills would be fully incorporated into the installation's training program, and used in the same manner as the other training areas on Fort Bragg. Units up to, and including brigade size, would train in accordance with the IRR. Up to approximately 5,000 personnel would have access to the Overhills for training purposes at one time.

No additional recreational use of the Overhills would occur under maximum training due to the need for maneuver frontage and flexibility. Hunting and fishing would continue as discussed under Alternative 1.

After mitigating for the loss of historical integrity by fulfillment of all legal requirements under the NHPA, the Fort Bragg ICRMP, and AR 200-4, Cultural Resources Management, the 56 contributing elements would be integrated into the training program. All contributing and non-contributing elements as well as standing structures determined not eligible for the NRHP would be evaluated for use in training exercises. The buildings that could be

incorporated into the training program would remain; the non-essential buildings and structures would be demolished.

The Overhills DEIS provides an analysis of both the beneficial and adverse environmental impacts of the different use alternatives for the Overhills, and analyzes quantitatively and qualitatively the potential environmental impacts of the proposed alternatives. The resource areas discussed and evaluated are: soils, surface waters, groundwater, wetlands, vegetation, wildlife, protected species, hazardous materials/waste management, solid waste management, air quality, noise, safety, land use, demographics and economy, recreation, archaeological resources, and the historic district. The DEIS indicates that Alternative 1 (No Action) has the fewest potential impacts because no new training types will be added, and all of the historic buildings and structures will be preserved. Alternatives 2, 3, and 4 would have some potential adverse impacts to several of the analyzed resources; however mitigations to reduce those impacts are identified in the DEIS.

Scoping and Comments: Fort Bragg has distributed a series of newsletters that are also posted on the Fort Bragg website and may be viewed at http://www.bragg.army.mil/envbr_review.htm. All future newsletters, notices of meetings, and other public and stakeholder participation opportunities will also be posted on this website. Comments or questions may also be submitted on this website. Fort Bragg invites individuals and organizations to participate in the DEIS review process by submitting written comments (see **ADDRESSES**) and by attending a public meeting. A public meeting will be held at the Cumberland County Library and Information Center (see **DATES**).

Dan K. McNeill,

General, USA, Commanding.

[FR Doc. 05-2697 Filed 2-10-05; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection

requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by February 18, 2005. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 12, 2005.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility,

and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 8, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Annual State Application Under Part B of the IDEA as Amended in 2004.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 456.

Abstract: The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became PL 108-446. In accordance with 20 U.S.C. 1412(a) a State is eligible for assistance under part B for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions found in 20 U.S.C. 1412. Information Collection 1820-0030 is being revised so that a State can provide assurances that it either has or does not have in effect policies and procedures to meet the eligibility requirements of part B of the Act as found in PL 108-446.

ADDITIONAL INFORMATION: This collection is being revised so that a State can provide assurances that it either has or does not have in effect policies, procedures, methods, descriptions, and assurances that meet the application requirements of part B of the Act as found in PL 108-446. Some policies, procedures, methods, and descriptions must be submitted to the Secretary. Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2682. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address OCIO_RIMG@ed.gov or faxed to

202-245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address Sheila.Carey@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E5-578 Filed 2-10-05; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by February 18, 2005. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 12, 2005.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services

Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 8, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Annual State Application Under Part C of the IDEA as Amended in 2004.

Frequency: Annually.

Affected Public: State, local, or tribal government, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 560.

Abstract: The Individuals with Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became Public Law 108-446. In order to be eligible for a grant under 20 U.S.C. 1433, a State shall provide assurance to the Secretary that the State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and has in effect a

statewide system that meets the requirements of 20 U.S.C. 1435. Information Collection 1820–0550 is being revised so that a State can provide assurances that it either has or does not have in effect policies, procedures, methods, descriptions, and assurances that meet the application requirements of part C of the Act as found in Public Law 108–446.

Additional Information: This collection is being revised so that a State can provide assurances that it either has or does not have in effect policies, procedures, methods, descriptions, and assurances that meet the application requirements of part C of the Act as found in Public Law 108–446. Some policies, procedures, methods, and descriptions must be submitted to the Secretary.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the “Browse Pending Collections” link and by clicking on link number 2681. When you access the information collection, click on “Download Attachments” to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address OCIO_RIMG@ed.gov or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E5–579 Filed 2–10–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–42–000, et al.]

Coral Power, L.L.C., et al.; Electric Rate and Corporate Filings

February 4, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Coral Power, L.L.C., Coral Energy Management, LLC, Coral Canada US Inc., Baconton Power LLC

[Docket No. EC05–42–000]

Take notice that on February 1, 2005, Coral Power, L.L.C. (Coral Power), Coral Energy Management, LLC (Coral EM), Coral Canada US Inc. (Coral Canada), and Baconton Power LLC (Baconton) (collectively, Applicants) submitted an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities related to the transfer of indirect upstream interests in Applicants from Bechtel Enterprises Energy B.V. (Bechtel) to an indirect wholly-owned subsidiary of N.V. Koninklijke Nederlandsche Petroleum Maatschappij (Royal Dutch Petroleum Company), a Netherlands company, and the “Shell” Transport & Trading Company, p.l.c., a United Kingdom company (collectively, Shell Parents). Applicants state that as a result of the transaction, Coral Power, Coral EM, and Coral Canada will be indirect wholly-owned subsidiaries of the Shell Parents and that the Shell Parents will indirectly own a 35 percent interest in Baconton. Applicants further state that Coral Power, Coral EM, and Coral Canada are power marketers that do not own any electric generation, transmission, or distribution facilities and Baconton is an exempt wholesale generator that owns an approximately 192 MW generating facility in Mitchell County, Georgia. Applicants have requested confidential treatment of Exhibit D and Exhibit I to the Application.

Comment Date: 5 p.m. eastern time on February 22, 2005.

2. Eastern Desert Power LLC

[Docket No. EG05–37–000]

On February 1, 2005, Eastern Desert Power LLC (Eastern Desert), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission’s regulations.

Eastern Desert states it is a Delaware limited liability company and will be engaged directly and exclusively in the business of owning all or part of one or more eligible facilities, and selling electric energy at wholesale. Eastern Desert further explains it is developing an approximately 51 megawatt wind power generation facility to be located in San Bernardino County, California. Eastern Desert further states that the Project will be an eligible facility pursuant to section 32(a)(2) of the Public Utility Holding Act of 1935.

Eastern Desert states it has served a copy of the filing on the Securities and Exchange Commission, the California Public Utilities Commission, the Oregon Public Utilities Commission, the Washington Utilities and Transportation Commission, the Utah Public Service Commission, the Idaho Public Utilities Commission, and the Wyoming Public Service Commission.

Comment Date: 5 p.m. eastern time on February 25, 2005.

3. ISO New England Inc.

[Docket No. ER01–316–015]

Take notice that on February 1, 2005, ISO New England Inc. filed its Index of Customers for the fourth quarter of 2004 for its tariff for transmission dispatch and power administration services in compliance with Order No. 614.

Comment Date: 5 p.m. eastern time on February 22, 2005.

4. DTE East China, LLC, DTE Energy Trading, Inc.

[Docket No. ER03–1206–001]

Take notice that on February 1, 2005, DTE East China, LLC (DTE East China) submitted supplemental information pursuant to the settlement approved by the Commission in its order issued June 2, 2004, in Docket No. ER03–1206–000, 107 FERC ¶ 61,236.

DTE East China states that copies of the filing were served on parties on the official service list in this proceeding.

Comment Date: 5 p.m. eastern time on February 22, 2005.

5. Midwest Independent Transmission, System Operator, Inc. and Mid-Continent Area Power Pool

[Docket Nos. ER04–691–023, EL04–104–022, ER04–960–003]

Take notice that on February 1, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and Mid-Continent Area Power Pool (MAPP), submitted for filing a seams operating agreement between the Midwest Independent Transmission System Operator, Inc. and MAPP. The Midwest ISO and MAPP request an effective date of March 1, 2005.

The Midwest ISO states that it has served a copy of this filing electronically, with attachments, on all Midwest ISO Members, Member representatives of Transmission Owners and non-Transmission Owners, the Midwest ISO Advisory Committee participants, as well as all state commissions in the region. In addition, the Midwest ISO states that the filing has been posted electronically on the Midwest ISO’s Web site at <http://www.midwestiso.org> under the heading

"Filings to FERC" for other interested parties in this matter. MAPP states that copies of this filing were served upon all MAPP members, and each state electric utility regulatory commission in the MAPP region.

Comment Date: 5 p.m. eastern time on February 22, 2005.

6. Southwest Power Pool, Inc.

[Docket No. ER05-526-000]

Take notice that on January 31, 2005, Southwest Power Pool, Inc. (SPP) submitted for filing a partially executed Network Integration Transmission Service Agreement between SPP and Oklahoma Municipal Power Authority (OMPA), as well as a partially executed Network Operating Agreement between SPP, OMPA and American Electric Power Company (AEP). SPP requests an effective date of January 1, 2005.

SPP states that both OMPA and AEP were served with a copy of this filing.

Comment Date: 5 p.m. eastern time on February 22, 2005.

7. ISO New England Inc., Bangor Hydro-Electric Company, Central Maine Power Company, NSTAR Electric & Gas Corporation, on Behalf of Its Affiliates Boston Edison Company, Commonwealth Electric Company, Cambridge Electric Light Company, and Canal Electric Company, New England Power Company, Northeast Utilities Service Company, on Behalf of Its Operating Company Affiliates The Connecticut Light and Power Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire and Holyoke Water Power Company, The United Illuminating Company, Fitchburg Gas and Electric Light Company, Unitil Energy Systems, Inc., Vermont Electric Power Company, Central Vermont Public Service Corporation, Green Mountain Power Corporation, Vermont Electric Cooperative, Florida Power & Light Company—New England Division

[Docket No. ER05-527-000]

Take notice that on January 31, 2005, ISO New England Inc. (the ISO) and Bangor Hydro-Electric Company; Central Maine Power Company; NSTAR Electric & Gas Corporation, on behalf of its affiliates Boston Edison Company, Commonwealth Electric Company, Cambridge Electric Light Company, and Canal Electric Company; New England Power Company; Northeast Utilities Service Company, on behalf of its operating company affiliates The Connecticut Light and Power Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire and Holyoke Power

and Electric Company, and Holyoke Water Power Company; The United Illuminating Company; Fitchburg Gas and Electric Light Company; Unitil Energy Systems, Inc.; Vermont Electric Power Company; Central Vermont Public Service Corporation; Green Mountain Power Corporation and Vermont Electric Cooperative (collectively, the New England TOs) and Florida Power & Light Company-New England Division, (collectively with the ISO and the New England TOs, the Filing Parties) submitted, pursuant to section 205 of the Federal Power Act: (1) Revisions to the Transmission Operating Agreement (TOA) among the ISO, the New England TOs, and other Participating Transmission Owners to list the Initial Participating Transmission Owners under the TOA; and (2) revisions to the Rate Design and Funds Disbursement Agreement (Disbursement Agreement) among the Participating Transmission Owners to list the initial parties to that Disbursement Agreement.

Comment Date: 5 p.m. eastern time on February 22, 2005.

8. Idaho Power Company

[Docket No. ER05-528-000]

Take notice that on January 31, 2005, Idaho Power Company (Idaho Power) tendered for filing Network Integration Transmission Service Agreements between Idaho Power and Bonneville Power Administration and Idaho Power—Power Supply designated as Fifth Revised Service Agreement No. 156 and Third Revised Service Agreement No. 158 under Idaho Power's FERC Electric Tariff First Revised Volume No. 5. Idaho Power requests an effective date of January 1, 2005.

Comment Date: 5 p.m. eastern time on February 22, 2005.

9. New England Power Company

[Docket No. ER05-529-000]

Take notice that on January 31, 2005, New England Power Company (NEP) tendered for filing the Second Revised Service Agreement No. 116 for Network Integration Transmission Service under NEP's Open Access Transmission Tariff, Second Revised Volume No. 9 between NEP and USGen New England, Inc., (USGen). NEP states that the purpose of this revised agreement is to remove certain points of delivery. NEP requests an effective date of January 1, 2005.

NEP states that copies of this filing have been served on USGen and regulators in the States of Massachusetts and Rhode Island.

Comment Date: 5 p.m. eastern time on February 22, 2005.

10. New England Power Company

[Docket No. ER05-530-000]

Take notice that on January 31, 2005, New England Power Company (NEP) tendered for filing Network Integration Transmission Service Agreements between NEP and Dominion Energy Brayton Point, LLC, Dominion Energy Manchester Street, Inc., and Dominion Energy Salem Harbor, LLC, designated as Original Service Agreement Nos. 217, 218 and 219 under NEP's FERC Electric Tariff, Second Revised Volume No. 9. NEP requests an effective date of January 1, 2005.

NEP states that copies of this filing have been served on Dominion Energy and regulators in the States of Massachusetts and Rhode Island.

Comment Date: 5 p.m. eastern time on February 22, 2005.

11. New England Power Pool and ISO New England Inc.

[Docket No. ER05-531-000]

Take notice that on January 31, 2005, ISO New England Inc. (the ISO) and the New England Power Pool (NEPOOL) Participants Committee jointly filed for acceptance changes to Market Rule 1 that would allow for the partial delisting of capacity resources for sale to neighboring control areas. The ISO requests an effective date of June 1, 2005.

NEPOOL and the ISO state that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment Date: 5 p.m. eastern time on February 22, 2005.

12. New England Power Pool

[Docket No. ER05-532-000]

Take notice that on January 31, 2005, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to permit NEPOOL (1) to expand its membership to include the Order of St. Benedict of New Hampshire, d/b/a Saint Anselm College (St. Anselm), Spring Street Limited Partnership (Spring Street LP), Spring Street Energy, LLC (SSE) and Harvard Dedicated Energy Limited (HDEL), and (2) to terminate the membership of Engage Energy America LLC (Engage). The Participants Committee requests the following effective dates: February 1, 2005, for the NEPOOL membership of St. Anselm, Spring Street LP, SSE and HDEL; and January 1, 2005, for the termination of Engage.

The Participants Committee states that copies of these materials were sent to the New England state governors and

regulatory commissions and the Participants in NEPOOL.

Comment Date: 5 p.m. eastern time on February 22, 2005.

13. Coral Canada US Inc.

[Docket No. ER05-533-000]

Take notice that on January 31, 2005, Coral Canada US Inc. (Coral Canada) submitted for filing a notice of cancellation of its market-based rate electric tariff, Rate Schedule FERC No. 1. Coral Canada requests an effective date of March 31, 2005.

Coral Canada states that copies of the filing were not served upon any party, because such cancellation affects no purchasers under Coral Canada's Rate Schedule FERC No. 1.

Comment Date: 5 p.m. eastern time on February 22, 2005.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5-580 Filed 2-10-05; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OAR-2003-0017, FRL-7872-3]

Agency Information Collection Activities: Proposed Collection; Comment Request; Request for Applications for a Critical Use Exemption From the Phaseout of Methyl Bromide. EPA Number 2031.02, OMB Control Number 2060-0482

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on May 31, 2005. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 12, 2005.

ADDRESSES: Submit your comments, referencing docket ID number OAR-2003-0017, to EPA online using EDOCKET (our preferred method), by email to a-and-r-Docket@epa.gov, or by mail to: EPA Docket Center, (EPA/DC), Environmental Protection Agency, EPA West, Room B102, 1301 Constitution Ave. NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Marta Montoro, Office of Air and Radiation, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9321, fax number: (202) 343-2337; email address: montoro.marta@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OAR-2003-0017, which is available for public viewing at the EPA Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA

Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the EPA Air Docket is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

Affected entities: Entities potentially affected by this action are users of methyl bromide, *e.g.*, farmers of vegetable crops, fruits, and seedlings, and owners of stored food commodities and structures such as grain mills and processors, agricultural consortia and representative groups, Government and non-government researchers, as well as producers, importers, exporters, and distributors of methyl bromide, and applicators of methyl bromide.

Title: Request for Applications of Critical Use Exemptions from the Phaseout of Methyl Bromide.

Abstract: With this Information Collection Request (ICR), EPA's Office of Air and Radiation (OAR) and Office of Prevention, Pesticides, and Toxic

Substances (OPPTS) are continuing the existing request for critical use exemption applications for methyl bromide, under the Clean Air Act (CAA) and in accordance with U.S. obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol). The information is collected so that the U.S. government can submit a technically valid methyl bromide critical use exemption nomination to the Ozone Secretariat of the United Nations Environment Programme on an annual basis. Since 2002, this information has primarily been collected through agricultural consortia, though individuals have also submitted applications. If an applicant indicates that the application contains Confidential Business Information (CBI), that information will be treated as such by EPA. Responses to the collection of information are required in order for users to obtain a critical use exemption benefit.

In 2003, EPA created separate applications for methyl bromide pre-plant users and post-harvest users in order to facilitate data collection as the pre-plant and post-harvest fumigation contexts differ. In 2005, EPA is considering proposing to format both the pre-plant and post-harvest applications to more closely resemble the forms for the nominations required by the Methyl Bromide Technical Options Committee (MBTOC), an advisory body to the Parties to the Protocol.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

EPA initially calculated that 95% of users would apply with a consortia and the remaining 5% would apply independently. EPA also calculated each user's burden prior to submitting data to a consortia. EPA encourages the electronic submission of CUE applications.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement:

The annual burden is reported in this notice by annual respondent burden. This estimate includes the time needed to read the CAA request for applications, process, compile, and review the requested data for accuracy and appropriateness, generate application correspondence, and store, file, and maintain the information. This ICR renewal does not include any burden for third-party or public disclosures that were not previously reviewed and approved by OMB.

EPA estimated approximated 80% of the respondents would be pre-plant or soil users, with the remaining 20% being post-harvest users. EPA also initially calculated individual and consortia burden. The annual burden hours for this collection of information were initially estimated and summarized as follows, as stated in a notice published in the **Federal Register** on June 27, 2001 (66 FR 34181):

Respondents/affected entities: 200.

Estimated total number of potential respondents: 200.

Frequency of response: Annual.

Estimated total/average number of responses for each respondent: 1.

Estimated total annual burden hours: 25,000.

Estimated total annual burden costs: \$1,500,000.

EPA seeks comment on the above summary. EPA may revise the calculations based on the critical use exemption applications received annually between 2002–2004.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of

information; and transmit or otherwise disclose the information.

Dated: February 2, 2005

Drusilla Hufford,

*Director, Stratospheric Protection Division,
Office of Air and Radiation.*

[FR Doc. 05–2713 Filed 2–10–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6660–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 2, 2004 (69 FR 17403).

Draft EISs

ERP No. D–AFS–D65031–PA Rating LO, Martin Run Project, To Implement Management Direction as Outlined in Allegheny National Forest Plan, Bradford Ranger District, Allegheny National Forest, Warren and McKean Counties, PA.

Summary: EPA does not object to the preferred alternative.

ERP No. D–AFS–J65425–00 Rating EC2, Black Hills National Forest Land and Resource Management Plan Phase II Amendment, Proposal to Amend the 1997 Land and Resource Management Plan, Custer, Fall River, Lawrence, Meade, and Pennington Counties, SD and Crook and Weston Counties, WY.

Summary: EPA expressed environmental concerns because the Preferred Alternative may cause adverse impacts to water quality, aquatic, and terrestrial resources, and recommends that the Final EIS include quantitative analysis of water and air quality, and provisions for greater natural resource and water quality protection.

ERP No. D–AFS–L65473–OR Rating LO, Rogue River-Siskiyou National Forest, Special Use Permits for Outfitter and Guide Operations on the Lower Rogue and Lower Illinois Rivers, Gold Beach Ranger District, Rogue River-Siskiyou National Forest, Curry County, OR.

Summary: EPA conducted a limited review of the Draft EIS and does not object to the proposed project.

ERP No. D-BOP-D80031-WV Rating EC2, Southern West Virginia Proposed Federal Correctional Institution, Four Alternatives Sites in Southern West Virginia: Boone County, Mingo County, Nicholas County, and McDowell County, WV.

Summary: EPA expressed environmental concerns because of secondary and cumulative impacts with all alternatives, and requested that these issues be evaluated in the Final EIS. Also, EPA asked that the Final EIS provide documentation to verify completion of the mitigation specified in the 404 permit.

ERP No. D-CGD-K03027-CA Rating EC2, Cabrillo Port Liquefied Natural Gas (LNG) Deepwater Port, Construction and Operation an Offshore Floating Storage and Regasification Unit (FSRU), Application for License, Ventura and Los Angeles Counties, CA.

Summary: EPA expressed environmental concerns about impacts to air quality, the analysis for General Conformity, and the availability of emission reduction credits. EPA requested that additional information be provided on the potential impacts and risks from emergency/accidental releases of LNG or natural gas. EPA also requested additional information on several NPDES permitting issues, impacts to waters of the U.S., and compliance with the Safe Drinking Water Act.

ERP No. DS-GSA-D81027-MD Rating EC1, U.S. Food and Administration (FDA) Consolidation, Updated and New Information, Constructing a New Eastern Access Road and over Paint Branch, Construct Additional Facilities to Support Expanded Program, Relocating The Day Care Center, Federal Research Center at White Oak, Silver Spring, Montgomery, MD.

Summary: EPA expressed environmental concerns about the proposed project's impacts on stream banks and water quality within the Federal Research Center, and requested that additional information, including adoption of stringent mitigation measures and stream valley revegetation, be provided in the Final EIS to address these issues.

ERP No. D1-BLM-K65158-CA Rating **3, Clear Creek Resource Management Area Plan Amendment, Hollister Resource Management Plan, Implementing the Decision Made in the 1999 CCMA ROD, San Benito and Fresno Counties, CA.

Summary: The Draft EIS does not adequately assess the project's

potentially significant impacts to human health. Recent sampling conducted by EPA indicates that off-highway vehicle users in the project area are exposed to substantially higher amounts of asbestos than was assumed in the DEIS. EPA recommends that BLM wait until EPA completes its forthcoming exposure evaluation, use it to recalculate the health risk, and incorporate this information into a Revised or Supplemental EIS. The Revised or Supplemental DEIS should also analyze a full array of reasonable alternatives and mitigation measures in order to avoid or reduce these impacts, including complete closure of the area and full dry season closure.

Final EISs

ERP No. F-AFS-J65419-MT Gallatin National Forest, Main Boulder Fuels Reduction Project, Implementation, Gallatin National Forest, Big Timber Ranger District, Big Timber, Sweetgrass and Park Counties, MT.

Summary: While EPA support reducing fuels and fire risk, we continue to have some concerns about the potential for adverse impacts of the proposed actions on water quality, fisheries, and riparian habitats.

ERP No. F-AFS-L65454-OR Diamond Lake Restoration Project, Improve Water Quality and the Recreational Fishery, Umpqua National Forest, Diamond Lake Ranger District, Umpqua River Basin, Douglas County, OR.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F-BIA-J02044-WY Wind River Natural Gas Field Development Project, Construction, Drilling and Production Operation of Natural Gas Wells, Fremont County, WY.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F-CGD-G39040-LA Gulf Landing Deepwater Port License Application for Construct of a Deepwater Port and Associated Anchorages in the Gulf of Mexico, South of Cameron, LA.

Summary: EPA continues to express concern regarding air modeling issues and cumulative impacts.

ERP No. F-FHW-F40413-IL US Route 20 (FAP 301) Project, Construction from IL Route 84 north of Galena to Bolton Road northwest of Freeport, Funding, NPDES Permit and U.S. Army COE Section 404 Permit Issuance, Jo Davies and Stephenson Counties, IL.

Summary: Since EPA's previous concerns have been resolved, EPA has no objection to the action as proposed.

ERP No. F-NOA-L91024-00 Puget Sound Chinook Harvest Resource Management Plan (RMP) 2004-2009,

Implementation, Endangered Species Act, OR and WA.

Summary: No formal comment letter sent to the preparing agency.

ERP No. F-NPS-D39027-00 Chesapeake Bay Special Resource Study (SRS), To Conserve and Restore Chesapeake Bay, New Unit of the National Park System, MD, VA, PA and DC.

Summary: EPA does not object to the selection of the preferred alternative.

ERP No. F-NPS-F08011-WI Arrowhead-Weston Transmission Line Right-of-Way Crossing of the St. Croix National Scenic Riverway, U.S. Army COE Section 10 and 404 Permits, Washburn County, WI.

Summary: EPA's previous issues have been addressed, therefore EPA has no objection to the proposed action.

Dated: February 8, 2005.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 05-2707 Filed 2-10-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6660-4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements.

Filed January 31, 2005 through February 4, 2005.

Pursuant to 40 CFR 1506.9.

EIS No. 050044, Draft EIS, BLM, WY, Jonah Infill Drilling Project, Propose to Expand Development of Natural Gas Drilling, Sublette County, WY. Comment Period Ends: April 12, 2005. Contact: Carol Kruse (307) 367-5352.

EIS No. 050045, Final EIS, AFS, AZ, Coconino, Kaibab, and Prescott National Forest, Integrated Treatment of Noxious and Invasive Weeds. Implementation, Coconino, Mojave and Yavapai Counties, AZ. Wait Period Ends: March 14, 2005. Contact: Charles Ernst (928) 635-8317.

EIS No. 050046, Draft Supplement, BLM, MT, Golden Sunlight Mine Pit Reclamation Alternatives. Updated Information, Operating Permit No. 00065 and Plan-of-Operation #MTM 82855, Whitehall, Jefferson County, MT. Comment Period Ends: April 12, 2005. Contact: David Williams (406) 533-7655.

EIS No. 050047, Draft EIS, BIA, NY, Stockbridge-Munsee Casino Project, Proposes to Take Land into Trust for Gaming Purposes to Address the Tribe's Economic Development, Bands of Mohican Indians of Wisconsin (the Tribe), NPDES Permit and U.S. Army COE Section 404 Permit, Town of Thompson, Sullivan County, NY. Comment Period Ends: March 28, 2005. Contact: Kurt Chandler (615) 467-1677.

EIS No. 050048, Final EIS, BLM, OR, Cascade-Siskiyou National Monument (CSNM) Resource Management Plan, Implementation, Klamath and Rogue River Basins, Jackson County, OR. Wait Period Ends: March 14, 2005. Contact: Kathy Minor (541) 618-2245.

EIS No. 050049, Draft EIS, NOAA, WA, CA, OR, Pacific Coast Groundfish Fishery Management Plan, To Conserve and Enhance Essential Fish Habitat Designation and Minimization of Adverse Impacts, Pacific Coast Exclusive Economic Zone, WA, OR and CA. Comment Period Ends: May 11, 2005. Contact: Maryann Nickerson (206) 526-4490.

EIS No. 050050, Draft EIS, COE, MD, DE, WV, NY, PA, WV, DC, TIER 1—DEIS Baltimore Harbor and Channels Dredged Material Management Plan (DMMP), To Analyze Dredged Material Placement, Port of Baltimore, Chesapeake Bay, MD, PA, DE, WV, VA, DC and NY. Comment Period Ends: March 28, 2005. Contact: Mark Mendelsohn (410) 962-9499.

EIS No. 050051, Draft Supplement, AFS, IL, Kudzu Eradication, Proposal to Eradicate Known Kudzu Infestations. Updated Information, Shawnee National Forest, Application for Herbicide and Mechanical Treatment, Jackson, Alexander and Pope Counties, IL. Comment Period Ends Due: March 28, 2005. Contact: Tom Neal (618) 658-2111.

EIS No. 050052, Draft EIS, FHW, MI, IN, US-131 Improvement Study, from the Indiana Toll Road (1-80/90) to a Point One Mile North of Cowling Road, U.S. Army COE Section 404 Permit, St. Joseph County, MI and Elkhart County, IN. Comment Period Ends: March 28, 2005. Contact: Abdelmoez A. Abdalla (517) 702-1820.

EIS No. 050053, Draft EIS, CGD, AL, TX, Compass Port and Deepwater Port License Application, To Construct a Liquefied Natural Gas (LNG) Receiving, Storage and Regasification Facility. Proposed Offshore Pipeline and Fabrication Site, NPDES Permit, and U.S. Army COE Section 10 and 404 Permits, Mobile County, AL San Patricio and Nueces County, TX. Comment Period Ends: March 28,

2005. Contact: Ken Smith (202) 267-0225. The U.S. Coast Guard and The Maritime Administration are Joint Lead Agencies for the above Project. EIS No. 050054, Draft EIS, NOAA, WA, Washington State Forest Habitat Conservation Plan, Proposed Issuance of Multiple Species Incidental Take Permit or (d) Rules, NPDES Permit, U.S. Army COE Section 10 and 404 Permits, WA. Comment Period Ends: May 12, 2005. Contact: Ms. Sally Butts (360) 753-5832.

Amended Notices

EIS No. 050004, Final EIS, SFW, WA, ID, OR, CA, Caspian Tern (*Sterna caspia*) Management to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary. To Comply with the 2002 Settlement Agreement, Endangered Species Act (ESA), Columbia River, WA, OR, ID and CA. Wait Period Ends: March 7, 2005. Contact: Nanette Seto (503) 231-6164. Revision of FR Notice Published on 1/14/2005: CEQ Comment Period Ending 2/14/2005 has been extended to 3/07/2005.

EIS No. 050023, Final EIS, NRC, SC, Savannah River Site Construction and Operation of a Mixed Oxide (MOX) Fuel Fabrication Facility, NUREG-1767, Aiken, Barnwell and Allendale Counties, SC. Wait Period Ends: February 28, 2005. Contact: Matthew Blevins (301) 415-7684. Revision of FR Notice Published on 01/28/2005: Correction to Agencies from DOE to NRC.

Dated: February 8, 2005.

Robert W. Hargrove,
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 05-2708 Filed 2-10-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7872-2]

Draft Toxicological Review of n-Hexane: In Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and external peer-review panel meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing that the Oak Ridge Institute of Science and Education (ORISE), Department of Energy, under an Interagency

Agreement with EPA, will convene a panel of experts and organize and conduct an external peer-review panel meeting to review the external review draft document entitled, "Toxicological Review of n-Hexane: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (NCEA-S-1605). The EPA is also announcing a thirty-day public comment period for the draft document. The document was prepared by EPA's National Center for Environmental Assessment (NCEA) of the Office of Research and Development. EPA will use comments and recommendations from the public and the expert panel meeting to finalize the draft document.

DATES: The public comment period will begin on February 11, 2005 and continue for thirty days through March 11, 2005. The peer-review panel meeting will begin on March 30, 2005, at 9 a.m. and end at 3 p.m. To attend the meeting, register by March 16, 2005.

ADDRESSES: The external peer-review panel meeting will be held at the American Geophysical Union (AGU) Headquarters, 2000 Florida Ave., NW., Washington, DC, 20009. Under an Interagency Agreement between EPA and the Department of Energy, the Oak Ridge Institute of Science and Education (ORISE) is organizing, convening, and conducting the peer-review panel meeting. To attend the meeting, register by March 16, 2005, by contacting ORISE, P.O. Box 117, MS 17, Oak Ridge, TN 37831-0117, at (865) 241-5784 or (865) 241-3168 (facsimile). Interested parties may also register on-line at: <http://www.ornl.gov/nhexane>. Space is limited, and reservations will be accepted on a first-come, first-served basis. Members of the public may submit comments to the EPA EDOCKET (see Supplementary Information below). Public comments submitted to the EPA EDOCKET by March 11, 2005 will be provided to the external peer review panel prior to the meeting. Members of the public are invited to provide oral statements at the commencement of the meeting (for more information refer to the instructions for registration below).

A limited number of paper copies are available by contacting the IRIS Hotline at (202) 566-1676 or (202) 566-1749 (facsimile), hotline@iris.gov (e-mail). If you are requesting a paper copy, please provide your name, mailing address, and the document title and number, "Draft Toxicological Review of n-Hexane: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (NCEA-S-1605). Copies are not available from ORISE.

FOR FURTHER INFORMATION CONTACT:

Questions regarding registration and logistics should be directed to Leslie Shapard, ORISE, P.O. Box 117, MS 17, Oak Ridge, TN 37831-0117, at (865) 241-5784 or (865) 241-3168 (facsimile), shapardl@orau.gov (e-mail).

If you have questions about the document, contact Jamie C. Benedict, IRIS Staff, National Center for Environmental Assessment, 1200 Pennsylvania Avenue, NW., (8601 D), Washington, DC 20460; telephone: 202-564-3386; facsimile: 202-565-0075; benedict.jamie@epa.gov (e-mail).

SUPPLEMENTARY INFORMATION:**Integrated Risk Information System (IRIS)**

IRIS is a database that contains information on the potential adverse human health effects that may result from chronic (or lifetime) exposure to specific chemical substances found in the environment. The database (available on the Internet at <http://www.epa.gov/iris>) contains qualitative and quantitative health effects information for more than 500 chemical substances that may be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. When supported by available data, the database provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic health effects, and oral slope factors and inhalation unit risks for carcinogenic effects. Combined with specific exposure information, government and private entities use IRIS to help characterize public health risks of chemical substances in a site-specific situation and thereby support risk management decisions designed to protect public health.

EPA's E-Docket

EPA has established an official public docket for this action under Docket ID No. ORD-2005-0007. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Office of Environmental Information (OEI) Docket in the Headquarters EPA Docket Center, (EPA/DC) EPA West Building, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is

open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202-566-1744, and the telephone number for the OEI Docket is 202-566-1752; facsimile: 202-566-1753; or e-mail: ORD.Docket@epa.gov.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket.

EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

You may submit comments electronically, by mail, by facsimile, or by hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification

number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." Late comments may be considered if time permits.

If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the individual who submitted the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select "Information Sources," "Dockets," and "EPA Dockets." Once in the system, select "search," and then key in Docket ID No. ORD-2005-0007. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

Comments may be sent by electronic mail (e-mail) to ORD.Docket@epa.gov, Attention Docket ID No. ORD-2005-0007. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official

public docket, and made available in EPA's electronic public docket.

You may submit comments on a disk or CD ROM that you mail to the OEI Docket mailing address. These electronic submissions will be accepted in WordPerfect, Word, or ASCII file format. Avoid the use of special characters and any form of encryption.

If you provide comments in writing, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Dated: February 7, 2005.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. 05-2712 Filed 2-10-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[Docket Number ORD-2005-0006; FRL-7871-2]

Board of Scientific Counselors, Particulate Matter and Ozone Research Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the Environmental Protection Agency, Office of Research and Development (ORD), announces four meetings of the Board of Scientific Counselors (BOSC) Particulate Matter and Ozone (PM-O3) Research Subcommittee.

DATES: Three teleconference call meetings will be held, the first on Thursday, March 3, 2005, from 12 to 3 p.m., and the second on Monday, March 14, 2005, from 1 to 3 p.m. and the third on Tuesday April 12, 2005 from 12 to 3 p.m. A face-to-face meeting will be held beginning Wednesday, March 30, 2005 (8 a.m. to 5:30 p.m.), continuing on Thursday, March 31, 2005 (8 a.m. to 5:30 p.m.), and concluding on Friday, April 1, 2005 (8 a.m. to 12 p.m.). All times noted are Eastern Standard Time. Meetings may adjourn early if all business is completed.

ADDRESSES: *Conference calls:*

Participation in the conference calls will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the teleconference

meeting from Lawrence Martin, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Face-to-Face Meeting: The face-to-face meeting will be held at the U.S. EPA Research Triangle Park (RTP) Campus, EPA Facility Building C Room C111, located at 109 T.W. Alexander Drive, Research Triangle Park, NC 27711.

Document Availability

Draft agendas for the meetings are available from Lawrence Martin, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Requests for the draft agendas will be accepted up to 2 business days prior to each conference call/meeting date. The draft agendas also can be viewed through EDOCKET, as provided in Unit I.A. of the **SUPPLEMENTARY INFORMATION** section.

Any member of the public interested in making an oral presentation at one of the conference calls or at the face-to-face meeting may contact Lawrence Martin, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Requests for making oral presentations will be accepted up to 2 business days prior to each conference call/meeting date. In general, each individual making an oral presentation will be limited to a total of three minutes.

Submitting Comments

Written comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.B. of this section. Written comments will be accepted up to 2 business days prior to each conference call/meeting date.

FOR FURTHER INFORMATION CONTACT: Lawrence Martin, Designated Federal Officer, Environmental Protection Agency, Office of Research and Development, Mail Code 8104R, 1200 Pennsylvania Avenue, NW., Washington, DC; telephone (202) 564-6497; fax (202) 565-2925; e-mail martin.lawrence@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

This notice announces three meetings of the BOSC PM-O3 Research Subcommittee. The purpose of the meetings are to evaluate EPA's PM & O3 Research Program. Proposed agenda items for the conference calls include, but are not limited to: charge questions, objective of program reviews, background on the U.S. EPA's PM & O3 Research Program, writing assignments, planning for the face-to-face meeting,

and editing and approval of the Subcommittee's report. Proposed agenda items for the face-to-face meeting include, but are not limited to: presentations by key EPA staff involved in the PM and O3 Research Program, poster sessions on ORD's PM & O3 research, and preparation of the draft report. The conference calls and the face-to-face meeting are open to the public.

Information on Services for the Handicapped: Individuals requiring special accommodations at this meeting should contact Lawrence Martin, Designated Federal Officer, at (202) 564-6497 at least five business days prior to the meeting so that appropriate arrangements can be made to facilitate their participation.

A. How Can I Get Copies of Related Information?

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. ORD-2005-0006. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Documents in the official public docket are listed in the index in EPA's electronic public docket and comment system, EDOCKET. Documents are available either electronically or in hard copy. Electronic documents may be viewed through EDOCKET. Hard copies of the draft agendas may be viewed at the Board of Scientific Counselors, PM & O3 Research Subcommittee Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the ORD Docket is (202) 566-1752.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EDOCKET. You may use EDOCKET at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number (ORD-2005-0006).

For those wishing to make public comments, it is important to note that EPA's policy is that comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks mailed or delivered to the docket will be transferred to EPA's electronic public docket. Written public comments mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket.

B. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number (ORD-2005-0006) in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment, and it allows EPA to contact you if further information on the substance of the comment is needed or if your comment cannot be read due to technical difficulties. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EDOCKET.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EDOCKET at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, www.epa.gov, select "Information Sources," "Dockets," and "EDOCKET." Once in the system, select "search," and then key in Docket ID No. ORD-2005-0006. The system is an anonymous access system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by electronic mail (e-mail) to ORD.Docket@epa.gov, Attention Docket ID No. ORD-2005-0006. In contrast to EPA's electronic public docket, EPA's e-mail system is not an anonymous access system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM mailed to the mailing address identified in Unit I.B.2. These electronic submissions will be accepted in Word, WordPerfect or rich text files. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send your comments to: U.S. Environmental Protection Agency, ORD Docket, EPA Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. ORD-2005-0006.

3. *By Hand Delivery or Courier.* Deliver your comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. ORD-2005-0006 (note: this is not a mailing address). Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.A.1.

Dated: February 4, 2005.

Mary Ellen Radzikowski,

Acting Director, Office of Science Policy.

[FR Doc. 05-2710 Filed 2-10-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2005-0018; FRL-7696-9]

Endothall; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket identification (ID) number OPP-2005-0018, must be received on or before March 14, 2005.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joanne Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6224; e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2005-0018. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may

be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any

cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2005-0018. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-2005-0018. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2005-0018.

3. *By hand delivery or courier.* Deliver your comments to: Public Information

and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID Number OPP-2005-0018. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response.

You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 31, 2005.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition (PP) is printed below as required by section 408(d)(3) of the Federal Food, Drug, and Cosmetic Act (FFDCA). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Cerexagri, Inc.

PP 9F6015

EPA has received a pesticide petition (PP 9F6015) from Cerexagri, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406, proposing, pursuant to section 408(d) of FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of endothall (7-oxabicyclo [2.2.1] heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity fish/shellfish at 0.25 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of FFDCA; however, EPA has not fully evaluated the

sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Analytical method.* The analytical method for endothall in water is EPA/ORD Method 548, Determination of Endothall in Drinking Water by Aqueous Derivatization, Liquid-Solid Extraction and Gas Chromatography with Electron-Capture Detection. The Limit of Detection (LOD) for this method is 0.015 ppm.

2. *Magnitude of residues.* Aquatic species were exposed for 7 days under static conditions at the maximum label rate. The highest endothall residues were observed in Bluegill at 0.035 ppm. Catfish showed no detectable endothall residues (LOQ = 0.020 ppm). The maximum residue for crayfish was 0.23 ppm after 5 days exposure. No evidence of accumulation was seen in any of the aquatic organisms.

B. Toxicological Profile

1. *Acute toxicity.* Endothall acid and the disodium salt of endothall are moderately toxic by oral ingestion and inhalation (Toxicity Category II), slightly toxic by dermal exposure (Toxicity Category III), and severely irritating to the eye. The diamine salt of endothall is moderately toxic by oral, dermal, and inhalation routes of exposure (Toxicity Category II) and is severely irritating to the eyes and skin.

2. *Genotoxicity.* A full battery of genetic toxicology studies were conducted for endothall. Endothall is not mutagenic.

3. *Reproductive and developmental toxicity.* In a teratology and postnatal behavioral study, pregnant Sprague-Dawley rats were dosed via oral gavage on gestation days 6 through 15 with endothall doses of 0, 10, 20, and 30 milligrams/kilogram/day (mg/kg/day). The maternal no-observed-effect-level (NOEL) was 20 mg/kg/day due to mortality seen at 30 mg/kg/day. The developmental NOEL was 30 mg/kg/day.

In a subsequent developmental toxicity study, pregnant Sprague-Dawley rats were orally dosed with 0, 6.25, 12.5, and 25.0 mg/kg/day from gestation day 6 through 15. The NOEL for maternal toxicity was 12.5 mg/kg/day. The developmental NOEL was 25.0 mg/kg/day. A developmental toxicity study was conducted in female CD-1 mice. Groups of pregnant mice were orally dosed with 0, 5, 20, or 40 mg/kg/day on days 6 to 16 of gestation. The NOEL for maternal toxicity was 5 mg/

kg/day based on mortality seen at 20 mg/kg/day. The developmental NOEL was 20 mg/kg/day. Developmental changes seen at 40 mg/kg/day were related to the severe maternal toxicity at that dose.

A developmental toxicity study was conducted on New Zealand white rabbits by oral exposure. Preliminary studies indicated that the rabbit was extremely sensitive to endothall. Groups of pregnant rabbits were dosed with 0, 0.3, 1.0, or 3.0 mg/kg/day on gestation days 6 through 19. The fetal and maternal toxicity NOELs were 1.0 mg/kg/day.

A 2-generation reproduction study was conducted in rats. In this study, groups of rats received dietary doses of 0, 30, 150, and 900 ppm. The no-observed-adverse-effect-level (NOAEL) for parental effects was <30 ppm (2–2.3 mg/kg/day) based on proliferative lesions of the gastric epithelium seen in male and female animals. The NOAEL for offspring toxicity was 150 ppm (9.4 mg/kg/day) based on decreased pup body weights on day 0 for the F1a and F2a generations at the 900 ppm (60 mg/kg/day) dietary level.

4. *Subchronic toxicity.* Male and female Sprague-Dawley rats were exposed dermally to 0, 30, 100, and 300 mg/kg/day for 21 days. The lowest-observed-effect-level (LOEL) was 30 mg/kg/day based on decreased body weight gain and dermal irritation. A NOEL was not established.

Male and female Sprague-Dawley rats were exposed to oral concentrations of 0, 150, 600, or 1,800 ppm (0, 10, 39, or 118 for males; 0, 12, 51, or 153 mg/kg/day for females, respectively) for 13 weeks. The LOEL was 1,800 ppm based on decreases in body weight gain and food intake. The NOEL was 600 ppm.

Male and female beagle dogs were exposed to oral concentrations of 0, 100, 400, or 1,000 ppm (0, 3.2, 11.7, or 27.5 mg/kg/day for males and 0, 3.2, 13.0, or 28.9 mg/kg/day for females, respectively) for 13 weeks. The LOEL was 1,000 ppm based on decreases in body weight gain and food intake. The NOEL was 400 ppm.

5. *Chronic toxicity.* In a combined chronic toxicity and oncogenicity study, male and female Sprague-Dawley rats were fed endothall dietary concentrations of 0, 150, 300, 900, and 1,800 ppm for 104 weeks. The NOAEL was 300 ppm (12 mg/kg/day) for males based on lower body weight gain and histologic changes in the nonglandular stomach seen in the 900 ppm (37 mg/kg/day) males. The NOAEL was 150 ppm (8.7 mg/kg/day) for females based on dose-related body weight decrements in the females receiving 300 ppm (16

mg/kg/day). No evidence of carcinogenicity was seen in this study.

Beagle dogs were fed diets containing 0, 100, 300, or 800 ppm disodium endothall (equivalent to 0, 2, 6, or 16 mg/kg/day endothall) for 24 months. No clinical signs of toxicity were seen at any dose level. The 100 ppm dietary concentration (2 mg/kg/day) was the NOAEL.

In a 52-week oral toxicity study, groups of 4 male and 4 female beagle dogs were fed diets containing 0, 150, 450, or 1,350/1,000 ppm (0, 5.7, 17.1, or 35.8 mg/kg/day for males; 0, 6.4, 18.8, or 36 mg/kg/day for females). The 1,350 ppm dietary level had to be reduced to 1,000 ppm after 6 weeks of treatment due to marked reductions in body weight and food consumption and subsequent sacrifice of 5 animals from this group. Minimal to very mild gastric epithelial effects were seen in some of the dogs receiving 150 ppm. This effect was considered as a low grade reaction to the chronic epithelial irritation and 150 ppm is considered the NOAEL. In an 18-month oncogenicity study, Swiss Albino mice were fed in the diet at concentrations of 0, 50, 100, or 300 ppm (0, 8.1, 16.7, or 50 mg/kg/day for males; 0, 10.8, 22.4, or 68 mg/kg/day for females) for 92 weeks. The systemic NOEL was 100 ppm based on decreased mean body weight in 300 ppm males. No evidence of carcinogenicity was seen in this study.

In a second 18-month dietary oncogenicity study, groups of 50 male and 50 female Swiss Albino mice were fed the disodium salt of endothall at dietary concentrations of 0, 750, or 1,500 ppm (0, 122, or 258 mg/kg/day for males; 0, 152, or 319 mg/kg/day for females). Toxicity results for the 1,500 ppm dietary level clearly shows that the maximum tolerated dose (MTD) was exceeded. At 750 ppm, compound-related effects consisted of decreased body weight gain, rectal prolapse, and an increase in the incidence and severity of mucosal hyperplasia of the glandular stomach. Endothall was not considered carcinogenic in this study.

6. *Animal metabolism.* Following a single oral administration of ¹⁴C-endothall to male and female rats, the majority of the radioactivity was excreted within 24 hours. The majority of the radioactivity was found in the feces. Chromatographic analysis of extracts of the urine, feces, cecum, and large intestine of both male and female rats gave a single radioactive component corresponding to unchanged endothall.

7. *Endocrine disruption.* Evaluation of the results from the 2-generation reproduction studies do not demonstrate any effects suggestive of

disruption of hormonal stasis in the rat. Further, histopathologic evaluation of hormone-sensitive tissues from chronically exposed rats, mice, and dogs did not reveal any changes suggestive of an endocrine related effect.

C. Aggregate Exposure

1. *Dietary exposure—i. Food.*

Endothall exposure via the diet will occur from treated potatoes and cotton. Secondary residues are expected in meat, milk, and eggs as well as shellfish, fish, catfish, and crayfish

ii. *Drinking water.* Drinking water exposure to endothall may be expected. However, this exposure is not considered to be significant due to intermittent seasonal use of the product for aquatic weed control, its low mobility in surface waters and rapid degradation.

2. *Non-dietary exposure.* There are no registered or proposed uses for endothall products which would result in non-occupational exposure.

D. Cumulative Effects

Cerexagri, Inc. has reviewed chemical structure data to determine if any other pesticide products are chemically similar to endothall and produce gastrointestinal changes specific to endothall. Endothall appears to be chemically and toxicologically dissimilar to existing chemical substances. Therefore, cumulative risk should not be an issue for this chemical.

E. Safety Determination

1. *U.S. population.* The acute Population Adjusted Dose (aPAD) used in the assessment is 0.05 mg/kg/day and was derived using the NOAEL for maternal toxicity in a developmental study with the mouse (5 mg/kg/day) with a 100X uncertainty factor (10X for intraspecies and 10X for interspecies variation). The chronic Population Adjusted Dose (cPAD) is 0.007 mg/kg/day. The cPAD was derived using the LOAEL of 2 mg/kg/day from a 2-generation reproduction study. An uncertainty factor of 300X (10X for intraspecies variation, 10X for interspecies variation, 3X for extrapolation of a LOAEL to a NOAEL).

i. *Acute exposure and risk.* The group with the highest exposure levels were 6 year olds in the winter with exposure levels of 0.011896 mg/kg/day (23.8% of the aPAD). The maximum seasonal average observed for adults was 0.010637 mg/kg/day (21.3% of the aPAD) for 46 year olds in the fall. The maximum seasonal average was less than 0.005 mg/kg/day (10% of the aPAD) for most of the population (1,000 people).

A separate analysis was conducted for women of childbearing age (13–50 years) with a population of 500 people. The maximum observed was 0.005087 mg/kg/day (10% of the aPAD) for 41 year olds in the spring. However, exposure was less than 0.0002 mg/kg/day (0.4% of the aPAD) for most ages and seasons.

When acute exposure to endothall in water is aggregated with maximum acute exposure to food, the estimated total exposure to children is 0.0319 mg/kg/day, representing 64% of the aPAD. The maximum estimated total exposure to endothall in food and water for adults is 0.0163 mg/kg/day, representing 33% of the aPAD.

ii. *Chronic exposure and risk.* The group with the highest exposure levels was 2 year olds in the winter with exposure levels of 0.000071 mg/kg/day (1% of the cPAD). The highest seasonal average observed for adults was 0.000055 mg/kg/day (0.8% of the aPAD) for 78 year olds in the summer. Exposure to the U.S. population (based on a population of 1,000 people) was 0.000039 mg/kg/day, representing 0.6% of the cPAD).

When chronic exposure to endothall in water is aggregated with maximum chronic exposure to food, estimated total exposure to children is 0.000451 mg/kg/day, representing 6.4% of the cPAD. The maximum estimated total exposure to endothall in food and water for adults is 0.000165 mg/kg/day, representing 2.4% of the cPAD.

2. *Infants and children.* The exposure to infants and children has been calculated in both the acute and chronic dietary assessments. In all cases and all age groups of infants and children, the margins of exposure are sufficient to protect the health of infants and children.

F. International Tolerances

No international tolerances have been set for endothall.

[FR Doc. 05–2618 Filed 2–10–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2005–0027; FRL–7698–6]

Carbofuran; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Louisiana

Department of Agriculture and Forestry to use the pesticide carbofuran (CAS No. 563–66–2) to treat up to 300,000 acres of rice to control rice water weevil. The applicant proposes the use of an active ingredient which has been the subject of a Special Review and is intended for a use that has been the subject of the Special Review. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments, identified by docket identification (ID) number OPP–2005–0027, must be received on or before February 28, 2005.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6463; fax number: (703) 308–5433; e-mail address: madden.barbara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions discussed above. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP–2005–0027. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although, a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket ID number.

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intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also, include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you

in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2005-0027. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID number OPP-2005-0027. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID number OPP-2005-0027.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St.,

Arlington, VA, Attention: Docket ID number OPP-2005-0027. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Louisiana Department of Agriculture and Forestry has requested the Administrator to issue a specific exemption for the use of carbofuran on rice to control rice water weevil. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that the rice water weevil is the most important early-season insect pest of rice in Louisiana. Five insecticides are currently registered for control of rice water weevil. However, one of the five, fipronil has been voluntarily removed from the U.S. rice market by the manufacturer and will be in limited supply in 2005. The other four registered alternatives are lambda-cyhalothrin, zeta-cypermethrin, gamma-cyhalothrin, and diflubenzuron. The current emergency situation with respect to weevil management has arisen primarily from the continuing practice of cultivating crawfish in ponds in close proximity to rice fields in southern Louisiana. Crawfish were cultivated on over 100,000 acres in southern Louisiana in 2004. The remaining four insecticides currently registered for use against the rice water weevil in Louisiana are toxic to crawfish. Weather conditions in the spring, when aerial applications of pyrethroid insecticides for weevil control are made, are often conducive to drift of liquid formulations of pesticides. As a result, there were at least 15 reports of crawfish mortality due to drift of pyrethroids into crawfish ponds in southern Louisiana. The recent decision to remove fipronil from the U.S. rice market exacerbates the emergency situation.

Carbofuran is an effective insecticide against rice water weevil and was used successfully for weevil control for over 30 years in southern Louisiana. Because it targets the damaging stage of the pest, and because larval thresholds are well-established, carbofuran can be used only when larval densities are high enough to cause economic losses. Further, the state claims that since carbofuran will be applied as a granular formulation there is less potential for drift and carbofuran is less toxic to crawfish. According to the state, approximately 300,000 acres

of rice have the potential for needing carbofuran. An estimated 5–20% yield loss from these 300,000 acres is expected if left untreated for weevils. As a result farmers would experience losses of approximately 6.1 to 24.4 million dollars.

The Applicant proposes to make no more than one application of the formulated product Furadan 3G, (0.6 lb carbofuran per acre). Up to 300,000 acres of rice in Louisiana could be treated and up to 180,000 lb of carbofuran (6,000,000 lb of Furadan 3G) could be applied.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing the use of an active ingredient which has been subject of a Special Review and is intended for a use that has been the subject of the Special Review. The notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Louisiana Department of Agriculture and Forestry.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 2, 2005.

Betty Shackelford,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 05–2619 Filed 2–10–05; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

January 28, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Pub. L. No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with

a collection of information subject to the Paperwork Reduction Act that does not display a valid control number.

Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 12, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to Leslie.Smith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Les Smith at (202) 418–0217 or via the Internet at Leslie.Smith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0065.

Title: Application for New or Modified Radio Stations Authorization Under part 5 of the FCC Rules—Experimental Radio Service, FCC Form 442.

Form Number: FCC 442.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; and State, Local or Tribal Government.

Number of Respondents: 700.

Estimated Time per Response: 4 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 2,800 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Applicants that require an FCC license to operate a new or modified experimental radio station must file FCC Form 442, as required by 47 CFR sections 5.55 (a), (b), and (c) and 5.59 of FCC Rules. The FCC's clerks, legal instruments examiners, and engineers used the data supplied by

applicants in FCC Form 442 to determine: if the applicant is eligible for an experimental license; the purpose of the experiment; compliance with the requirements of part 5 of the FCC Rules; and if the proposed operation will cause interference to existing operations. Thus, the FCC cannot grant an experimental license without the information contained on this form. Applicants now file FCC Form 442 electronically.

OMB Control Number: 3060-0068.

Title: Application for Consent to Assign an Experimental Authorization, FCC Form 702.

Form Number: FCC 702.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 10.

Estimated Time per Response: 0.6 hour. (36 mins.).

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 6 hours.

Total Annual Cost: \$550.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The FCC Rules, 47 CFR Section 5.59, require that applicants for Experimental Radio Service file FCC Form 702 when the legal right to control the use and operation of a station is to be transferred, as a result of a voluntary act (contract or other agreement); of an involuntary act (death or legal disability) of the grantee of a station authorization; by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings or other court order; or by operation of law in any other manner. Applicants now file FCC Form 702 electronically.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 05-2502 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 3, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the

following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 14, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments regarding this Paperwork Reduction Act submission to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., DC 20554 or via the Internet to Judith-B.Herman@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at Judith-B.Herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0715.

Title: Telecommunications Carrier's Use of Customer Proprietary Network Information (CPNI) and Other Customer Information, CC Docket No. 96-115.

Form No: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 4,832.

Estimated Time per Response: .50-100 hours.

Frequency of Response: On occasion, annual, biennial and other one-time reporting requirements, recordkeeping requirement and third party disclosure requirements.

Total Annual Burden: 669,808 hours.

Total Annual Cost: \$229,520,000.

Privacy Act Impact Assessment: N/A.

Needs and Uses: In a Memorandum Opinion and Order, (FCC 04-206), the Commission modified paragraph (c) and added two new paragraphs (d) and (e) to Section 64.2341. Section 64.2341(c) requires that a carrier shall make the contracts and records available, upon request, to the Commission, and to any directory publisher that requests those contracts and records for the purpose of publishing a directory. New section 64.2341(d) states that a carrier need not disclose to a directory publisher pursuant to paragraph (c) portions of requested contracts that are wholly unrelated to the rates, terms, or conditions under which the carrier provides subscriber list information to itself, an affiliate, or any entity that publishes directories on the carrier's behalf. Section 64.2341(e) states that a carrier may subject its disclosure of subscriber list information contracts or records to a directory publisher pursuant to paragraph (c) to a confidentiality agreement that limits access to and use of the information to the purpose of determining the rates, terms, and conditions under which the carrier provides subscriber information to itself, an affiliate, or an entity that publishes directories on the carrier's behalf. All of the information collection requirements under this OMB control number are used to ensure that telecommunications carriers comply with the requirements to implement Section 222 of the Communications Act of 1934, as amended.

OMB Control No.: 3060-XXXX.

Title: Federal-State Joint Board on Universal Service, Petitions for Designation as Eligible Telecommunications Carriers (ETCs), CC Docket No. 96-45.

Form No: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents: 22.

Estimated Time per Response: 2-3 hours.

Frequency of Response: One-time and annual reporting requirements.

Total Annual Burden: 176 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Section 254(e) of the Communications Act of 1934, as amended, provides that "only an eligible telecommunications carrier (ETC) designated under section 214(e) shall be eligible to receive specific Federal universal service support." Pursuant to section 214(e)(1), a common carrier designated as an ETC must offer and advertise the services supported by

the federal universal service mechanisms throughout the designated service area. Section 214(e)(2) of the Act gives state commissions the primary responsibility for performing ETC designations. Section 214(e)(6), however, directs the Commission, upon request, to designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a state commission." Under section 214(e)(6), the Commission, may with respect to an area served by a rural telephone company, and shall, in all other areas, designate more than one common carrier as an ETC for a designated service area, consistent with the public interest, convenience, and necessity, so long as the requesting carrier meets the requirements of section 214(e)(1). Before designating an additional ETC for an area served by a rural telephone company, the Commission must determine that the designation is in the public interest.

The Commission issued a Memorandum Opinion and Order, in CC Docket No. 96-45, FCC 03-338, which imposes three new information collection requirements. Specifically, they are: (1) Report on progress towards meeting infrastructure build-out plans; (2) report on the number of consumer complaints per 1,000 handsets; and (3) report on information detailing the number of unfulfilled requests for service from potential customers for a twelve month period.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-2686 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

February 4, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments April 12, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, 445 12th Street, SW., Room 1-C804, Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judith B. Herman at 202-418-0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-1003.

Title: Telecommunications Carrier Emergency Contact Information.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit, not-for-profit institutions, Federal Government, State, local or tribal government.

Number of Respondents: 89.

Estimated Time per Response: .166 hours.

Frequency of Response: On occasion and annual reporting requirements.

Total Annual Burden: 15 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: In response to the events of September 11, 2001, the Commission created a Homeland Security Policy Council to assist the Commission in evaluating and strengthening measures for protecting U.S. communications infrastructure and facilities from further terrorist attacks; to assist the Commission in ensuring rapid restoration of communications

capabilities after disruption by a terrorist threat or attack; and to assist the Commission in ensuring that public safety, public health, and other emergency and defense personnel have effective communications services available to them in the immediate aftermath of any terrorist attack within the United States. To fulfill this mission, the FCC's Homeland Security Policy Council must be able to contact key communications providers to determine the extent of a communications disruption and appropriate agency response. The Commission's staff through the agency will collect this emergency contact information via telephone. This emergency contact information will be utilized in the event of a communications disruption.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-2687 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 3, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated

collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 12, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at (202) 418-2918 or via the Internet at Cathy.Williams@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0750.

Title: 47 CFR 73.671, Educational and Informational Programming for Children; 47 CFR 73.673, Public Information Initiatives Regarding Educational and Informational Programming for Children.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 2,350.

Estimated Time per Response: 1-5 minutes.

Frequency of Response: Third party disclosure requirement.

Total Annual Burden: 438,920 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On September 9, 2004, the Commission adopted a *Report And Order (R&O) and Further Notice of Proposed Rule Making (FNPRM)*, In *The Matter of Children's Television Obligations of Digital Television Broadcasters*, FCC 04-221, MM Docket No. 00-167. 47 CFR 73.673 is amended to remove program identification requirements. New identification requirements are in section 73.671. Section 73.673 now states that each commercial television broadcast station licensee shall provide information identifying programming specifically designed to educate and inform children to publishers of program guides. Such information shall include an indication of the age group for this the program is intended. 47 CFR 73.671 states that each educational television broadcast station licensee has an obligation to serve, over

the term of its license, the Educational and Informational (E/I) needs of children ("Core Programming") through both the licensee's overall programming and programming specifically designed to serve such needs. In order for a program to be identified as a core educational program, the E/I symbol must be displayed throughout the program.

These changes are intended to provide greater clarity about broadcasters' obligations under the Children's Television Act (CTA) of 1990 which specified the airing of programs "specifically designed" to serve the educational and informational needs of children and to improve public access to information about the availability of these programs. These requirements will provide better information to the public about the shows broadcasters air to satisfy their obligation to provide educational and informational programming under the Children's Television Act of 1990.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-2688 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-10-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

January 31, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 14, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments regarding this Paperwork Reduction Act submission to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., DC 20554 or via the Internet to Judith-B.Herman@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at Judith-B.Herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0370.

Title: Part 32—Uniform System of Accounts for Telecommunications Companies.

Form No: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local and tribal government.

Number of Respondents: 239.

Estimated Time Per Response: 1.07-104 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Total Annual Burden: 1,516,702 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: With this submission to OMB, the Commission is revising this information collection, and adopts the Joint Conference's recommendations to reinstate the following Part 32 Class A accounts: Account 5230, Directory revenue; Account 6621, Call completion services; Account 6622, Number services; Account 6623, Customer services; Account 6561, Depreciation expenses—telecommunications plant in service; Account 6562, Depreciation expenses—property held for future telecommunications use; Account 6563, Amortization expense—tangible; Account 6564, Amortization expense—intangible; Account 6565, Amortization expense—other. These accounting changes are mandatory only for Class A Incumbent Local Exchange Carriers (ILECs). The reinstatement of these accounts will impose a minor increase (7%) in burden on Class A ILECs only.

Additionally, the Commission establishes a requirement that Class A ILECs maintain subsidiary record categories for unbundled network element revenues, resale revenues, reciprocal compensation revenues, and other interconnection revenues in the accounts in which these revenues are currently recorded. The use of subsidiary record categories allows carriers to use whatever mechanisms they choose, including those currently in place, to identify the relevant amounts as long as the information can be made available to state and federal regulators upon request. The use of subsidiary record categories for interconnection revenue does not require massive changes to the ILECs' accounting system and is far less burdensome alternative than the creation of new accounts and/or subaccounts.

OMB Control No.: 3060-1013.

Title: Mitigation of Orbital Debris.

Form No: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 53.

Estimated Time Per Response: 3 hours.

Frequency of Response: On occasion and other one-time reporting requirements and third party disclosure requirement.

Total Annual Burden: 159 hours.

Total Annual Cost: \$74,200.

Privacy Act Impact Assessment: N/A.

Needs and Uses: The Second Report and Order in IB Docket No. 02-54, FCC 04-130, requires that a satellite system operator requesting FCC space station authorization, or an entity requesting a Commission ruling for access to a non-U.S.-licensed space station under the Commission's satellite market access procedures, must submit an orbital debris mitigation plan to the Commission regarding spacecraft design and operation as part of its request. For commercial operators, this requirement is added to the technical information that is already required under Section 25.114 of the Commission's rules in support of an application for space station authorization. For applications for authority for experimental and amateur space stations, information about the space station's orbital debris

mitigation plans is added to the information already required under Section 5.63 [experimental] and Section 97.202(g) [amateur] of the Commission's rules.

The Second Report and Order reduces information collection requirements for all licensees—including small businesses—by amending FCC rules to provide automatic authorization for certain satellite maneuvers, such as qualifying orbit-raising maneuvers or end-of-life disposal maneuvers that previously required licensees to apply for prior FCC authorization.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-2695 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-05-61-A (Auction No. 61); DA 05-194]

Auction of Automated Maritime Telecommunications Systems Licenses Scheduled for August 3, 2005, Comment Sought on Reserve Prices or Minimum Opening Bids and Other Procedures for Auction No. 61

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of ten Automated Maritime Telecommunications System ("AMTS") licenses scheduled to commence on August 3, 2005 (Auction No. 61). This document also seeks comment on reserve prices or minimum opening bids and other procedures for Auction No. 61.

DATES: Comments are due on or before February 18, 2005, and reply comments are due on or before February 25, 2005.

ADDRESSES: Comments and reply comments must be sent by electronic mail to the following address: auction61@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For legal questions: Howard Davenport at (202) 418-0660. For general auction questions: Roy Knowles, Debbie Smith or Barbara Sibert at (717) 338-2888. For

service rule questions, contact the Mobility Division, Wireless Telecommunications Bureau, as follows: Erin McGrath, Keith Harper, or JoAnn Epps at (202) 418-0620.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice released on February 2, 2005, *Auction No. 61 Comment Public Notice*. The complete text of the *Auction No. 61 Comment Public Notice*, including attachments and any related Commission documents is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The *Auction No. 61 Comment Public Notice* and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or you may contact BCPI at its Web site: <http://www.BCPIWEB.com>. When ordering documents from BCPI, please make sure you provide the appropriate FCC document number (for example, FCC 03-270 for the *Third Report and Order*). The *Auction No. 61 Comment Public Notice* and related documents are also available on the Internet at the Commission's Web site: <http://wireless.fcc.gov/auctions/61/>.

I. General Information

1. The Wireless Telecommunications Bureau ("Bureau") announces the auction of ten AMTS licenses. This auction is scheduled to commence on August 3, 2005 (Auction No. 61). AMTS is a specialized system of coast stations which provide integrated and interconnected marine voice and data communications, somewhat like a cellular phone system, for tugs, barges, and other vessels on waterways. Service to units on land is permitted, so long as marine-originating communications receive priority. In Auction No. 61, two 500-kilohertz blocks of paired spectrum in the 217/219 MHz band will be offered in each of ten AMTS Areas ("AMTSAs"), where available. A complete list of licenses available for Auction No. 61 follows.

Market No.	Description	License No.	Frequencies (MHz)	Channel block
AMTSA001	Northern Atlantic	PC-AMT001-A	217.5-218.0 / 219.5-220.0	A
AMTSA002	Mid-Atlantic	PC-AMT002-A	217.5-218.0 / 219.5-220.0	A
AMTSA003	Southern Atlantic	PC-AMT003-A	217.5-218.0 / 219.5-220.0	A
AMTSA004	Mississippi River	PC-AMT004-A	217.5-218.0 / 219.5-220.0	A
AMTSA005	Great Lakes	PC-AMT005-A	217.5-218.0 / 219.5-220.0	A

Market No.	Description	License No.	Frequencies (MHz)	Channel block
AMTSA006	Southern Pacific	PC-AMT006-A	217.5-218.0 / 219.5-220.0	A
AMTSA007	Northern Pacific	PC-AMT007-A	217.5-218.0 / 219.5-220.0	A
AMTSA008	Hawaii	PC-AMT008-A	217.5-218.0 / 219.5-220.0	A
AMTSA008	Hawaii	PC-AMT008-B	217.0-217.5 / 219.0-219.5	B
AMTSA009	Alaska	PC-AMT009-A	217.5-218.0 / 219.5-220.0	A

2. Auction No. 61 will use the FCC's Integrated Spectrum Auction System ("ISAS" or "FCC Auction System"), an extensive redesign of the previous auction application and bidding systems. The redesign includes FCC Form 175 application enhancements such as discrete data elements in place of free-form exhibits and improved data accuracy through automated checking of FCC Form 175 applications. Enhancements have also been made to the FCC Form 175 application search function. The auction bidding system has also been updated for easier navigation, customizable results, and improved functionality. The Bureau will release subsequent public notices that outline more specific information on these enhancements and announce schedules for demonstrations.

3. Section 309(j)(3) of the Communications Act of 1934, as amended, requires the Commission to "ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed * * * before issuance of bidding rules, to permit notice and comment on proposed auction procedures * * *." Consistent with the provisions of § 309(j)(3) and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. The Bureau therefore seeks comment on the following issues relating to Auction No. 61.

II. Auction Structure

A. Simultaneous Multiple-Round Auction Design

4. The Bureau proposes to award all licenses included in Auction No. 61 in a simultaneous multiple-round auction. This methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids on individual licenses. The Bureau seeks comment on this proposal.

B. Upfront Payments and Bidding Eligibility

5. The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area and the value of similar spectrum. The upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. With these guidelines in mind for Auction No. 61, the Bureau proposes to calculate upfront payments on a license-by-license basis using a formula based on bandwidth and license area population:

$$\$0.005 * \text{MHz} * \text{License Area Population with a minimum of } \$1,000 \text{ per license.}$$

The specific proposed upfront payment for each license available in Auction No. 61 is set forth in Attachment A of the *Auction No. 61 Comment Public Notice*. The Bureau seeks comment on this proposal.

6. The Bureau further proposes that the amount of the upfront payment submitted by a bidder will determine the maximum number of bidding units on which a bidder may place bids. This limit is a bidder's initial bidding eligibility. Each license is assigned a specific number of bidding units equal to the upfront payment on a bidding unit per dollar basis. Bidding units for a given license do not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the *maximum* number of bidding units it may wish to bid on (or hold provisionally winning bids on) in any

single round, and submit an upfront payment amount covering that total number of bidding units. Provisionally winning bids are bids that would become final winning bids if the auction were to close in that given round. The Bureau seeks comment on this proposal.

C. Activity Rules

7. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction. A bidder that does not satisfy the activity rule either will lose bidding eligibility in the next round or must use an activity rule waiver (if any remain).

8. The Bureau proposes to divide the auction into two stages, each characterized by a different activity requirement. The auction will start in Stage One. The Bureau proposes that the auction generally will advance from Stage One to Stage Two when the auction activity level, as measured by the percentage of bidding units receiving new provisionally winning bids, is approximately twenty percent or below for three consecutive rounds of bidding. However, the Bureau further proposes that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentage of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Bureau seeks comment on these proposals.

9. For Auction No. 61, the Bureau proposes the following activity requirements:

Stage One: In each round of the first stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on licenses representing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's

bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, a bidder's reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity by five-fourths ($\frac{5}{4}$).

Stage Two: In each round of the second stage, a bidder desiring to maintain its current bidding eligibility is required to be active on 90 percent of its current bidding eligibility. During Stage Two, a bidder's reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity by ten-ninths ($\frac{10}{9}$).

10. The Bureau seeks comment on these proposals. Commenters that believe these activity rules should be modified should explain their reasoning and comment on the desirability of an alternative approach. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

D. Activity Rule Waivers and Reducing Eligibility

11. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity rule waivers can be either proactive or automatic and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

12. The FCC Auction System assumes that bidders with insufficient activity would prefer to apply an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round where a bidder's activity level is below the minimum required unless: (1) The bidder has no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirement. *Note:* If a bidder has no waivers remaining and does not satisfy the required activity level, its eligibility will be permanently reduced, possibly eliminating the bidder from further bidding in the auction.

13. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the "reduce eligibility" function in the FCC Auction System. In

this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described above. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

14. A bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver (using the "apply waiver" function in the FCC Auction System) during a bidding round in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC Auction System in a round in which there are no new bids or withdrawals will not keep the auction open. *Note:* Applying a waiver is irreversible; once a proactive waiver is submitted that waiver cannot be unsubmitted, even if the round has not yet closed.

15. The Bureau proposes that each bidder in Auction No. 61 be provided with three activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth above. The Bureau seeks comment on this proposal.

E. Information Relating to Auction Delay, Suspension, or Cancellation

16. For Auction No. 61, the Bureau proposes that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. The Bureau emphasizes that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. The Bureau seeks comment on this proposal.

III. Bidding Procedures

A. Round Structure

17. The Commission will conduct Auction No. 61 over the Internet. Telephonic bidding will also be

available. The toll free telephone number through which telephonic bidding may be accessed will be provided to bidders.

18. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction. The simultaneous multiple-round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

19. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. The Bureau seeks comment on this proposal.

B. Reserve Price or Minimum Opening Bid

20. Section 309(j) of the Communications Act calls upon the Commission to prescribe methods for establishing a reasonable reserve price or a minimum opening bid amount when FCC licenses are subject to auction, unless the Commission determines that a reserve price or minimum opening bid amount is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid amount and/or reserve price prior to the start of each auction.

21. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid amount, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are accepted. It is generally used to accelerate the competitive bidding process. Also, the auctioneer often has the discretion to lower the minimum opening bid amount later in the auction. It is also possible for the minimum opening bid amount and the reserve price to be the same amount.

22. In light of Section 309(j)'s requirements, the Bureau proposes to establish minimum opening bid amounts for Auction No. 61. The Bureau believes a minimum opening bid amount, which has been used in other auctions, is an effective bidding tool.

23. Specifically, for Auction No. 61, the Bureau proposes to calculate

minimum opening bid amounts on a license-by-license basis using a formula based on bandwidth and license area population:

$\$0.005 * \text{MHz} * \text{License Area}$

Population with a minimum of
\$1,000 per license.

The specific minimum opening bid amount for each license available in Auction No. 61 is set forth in Attachment A of the *Auction No. 61 Comment Public Notice*. The Bureau seeks comment on this proposal.

24. If commenters believe that these minimum opening bid amounts will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid amount levels or formulas. In establishing the minimum opening bid amounts, the Bureau particularly seeks comment on such factors as the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the AMTS spectrum. The Bureau also seeks comment on whether, consistent with Section 309(j), the public interest would be served by having no minimum opening bid amount or reserve price.

C. Minimum Acceptable Bid Amounts and Bid Increments

25. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. The FCC Auction System interface will list the nine acceptable bid amounts for each license.

26. The minimum acceptable bid amount for a license will be equal to its minimum opening bid amount until there is a provisionally winning bid for the license. After there is a provisionally winning bid for a license, the minimum acceptable bid amount for that license will be equal to the amount of the provisionally winning bid plus an additional amount. The minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount times one plus the minimum acceptable bid percentage—e.g., if the minimum acceptable bid percentage is 5 percent, the minimum acceptable bid amount will equal (provisionally winning bid amount) * (1.05), rounded. The Bureau

will round the result using our standard rounding procedures.

27. The nine acceptable bid amounts for each license consist of the minimum acceptable bid amount and additional amounts calculated using the minimum acceptable bid amount and the bid increment percentage. The Bureau will round the results using our standard rounding procedures. The first additional acceptable bid amount equals the minimum acceptable bid amount times one plus the bid increment percentage, rounded—e.g., if the bid increment percentage is 5 percent, the calculation is (minimum acceptable bid amount) * (1 + 0.05), rounded, or (minimum acceptable bid amount) * 1.05, rounded; the second additional acceptable bid amount equals the minimum acceptable bid amount times one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.10, rounded; the third additional acceptable bid amount equals the minimum acceptable bid amount times one plus three times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.15, rounded; etc. Note that the bid increment percentage need not be the same as the minimum acceptable bid percentage.

28. In the case of a license for which the provisionally winning bid has been withdrawn, the minimum acceptable bid amount will equal the second highest bid received for the license.

29. For Auction No. 61, the Bureau proposes to use a minimum acceptable bid percentage of five percent. This means that the minimum acceptable bid amount for a license will be approximately five percent greater than the provisionally winning bid amount for the license. The Bureau proposes to use a bid increment percentage of five percent.

30. The Bureau retains the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, and the bid increment percentage if it determines that circumstances so dictate. The Bureau will do so by announcement in the FCC Auction System during the auction. The Bureau seeks comment on these proposals.

D. Provisionally Winning Bids

31. At the end of a bidding round, a provisionally winning bid amount for each license will be determined based on the highest bid amount received for the license. In the event of identical high bid amounts being submitted on a license in a given round (i.e., tied bids), the Bureau proposes to use a random number generator to select a single

provisionally winning bid from among the tied bids. If the auction were to end with no higher bids being placed for that license, the winning bidder would be the one that placed the selected provisionally winning bid. However, the remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. If any bids are received on the license in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the license.

32. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same license at the close of a subsequent round, unless the provisionally winning bid is withdrawn. Bidders are reminded that provisionally winning bids confer credit for activity.

E. Information Regarding Bid Withdrawal and Bid Removal

33. For Auction No. 61, the Bureau proposes the following bid removal and bid withdrawal procedures. Before the close of a bidding round, a bidder has the option of removing any bid placed in that round. By removing selected bids in the FCC Auction System, a bidder may effectively “unsubmit” any bid placed within that round. A bidder removing a bid placed in the same round is not subject to a withdrawal payment. Once a round closes, a bidder may no longer remove a bid.

34. A bidder may withdraw its provisionally winning bids using the “withdraw bids” function in the FCC Auction System. A bidder that withdraws its provisionally winning bid(s) is subject to the bid withdrawal payment provisions of the Commission rules. The Bureau seeks comment on these bid removal and bid withdrawal procedures.

35. In the *Part 1 Third Report and Order*, the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing

the Commission's bid withdrawal procedures.

36. Applying this reasoning, the Bureau proposes to limit each bidder in Auction No. 61 to withdrawing provisionally winning bids in no more than one round during the course of the auction. To permit a bidder to withdraw bids in more than one round may encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The round in which withdrawals may be used will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of provisionally winning bids that may be withdrawn in the round in which withdrawals are used. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. The Bureau seeks comment on this proposal.

F. Stopping Rule

37. The Bureau has discretion "to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time." For Auction No. 61, the Bureau proposes to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain available for bidding until bidding closes simultaneously on all licenses.

38. Bidding will close simultaneously on all licenses after the first round in which no bidder submits any new bids, applies a proactive waiver, or places any withdrawals. Thus, unless circumstances dictate otherwise, bidding will remain open on all licenses until bidding stops on every license.

39. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 61:

i. Use a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder applies a waiver, places a withdrawal or submits any new bids on any license for which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any time or only in stage two of the auction.

ii. Keep the auction open even if no bidder submits any new bids, applies a

waiver or places any withdrawals. In this event, the effect will be the same as if a bidder had applied a waiver. The activity rule, therefore, will apply as usual and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

iii. Declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) and the auction will close.

40. The Bureau proposes to exercise these options only in certain circumstances, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. The Bureau seeks comment on these proposals.

IV. Conclusion

41. Comments are due on or before February 18, 2005, and reply comments are due on or before February 25, 2005. Because of the disruption of regular mail and other deliveries in Washington, DC, the Bureau requires that all comments and reply comments be filed electronically. Comments and reply comments and copies of material filed with the Commission pertaining to Auction No. 61, must be sent by electronic mail to the following address: auction61@fcc.gov. The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 61. Comments and the name of the commenting party. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554, and will also be posted on the Web page for Auction No. 61 at <http://wireless.fcc.gov/auctions/61/>.

42. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are

reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 05-2683 Filed 2-10-05; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval under Delegated Authority and Submission to OMB

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Michelle Long—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer—Mark Menchik—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503, or email to mmenchik@omb.eop.gov.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Notification of Foreign Branch Status.

Agency form number: FR 2058.
OMB control number: 7100-0069.
Frequency: on occasion.

Reporters: Member banks, bank holding companies (BHCs), and Edge and agreement corporations.

Annual reporting hours: 20 hours.

Estimated average hours per response: 15 minutes.

Number of respondents: 79.

General description of report: This information collection is mandatory (12 U.S.C. 321, 601, and 602 (member banks)); (12 U.S.C. 615 (Edge corporations)); (12 U.S.C. 601 (agreement corporations)); and (12 U.S.C. 1844(c) (BHCs)) and is not regarded as confidential.

Abstract: Member banks, BHCs, and Edge and agreement corporations are required to notify the Federal Reserve of the opening, closing, or relocation of a foreign branch. The Federal Reserve needs the information collected on the FR 2058 to fulfill supervisory responsibilities specified in Regulation K including the supervision of foreign branches of U.S. banking organizations. The information submitted on the FR 2058 notification is the primary means by which the Federal Reserve monitors the current operating status of foreign branches of U.S. banking organizations. The information is needed in order to evaluate the organization's international exposure and to update the Federal Reserve's structure files on U.S. banking organizations. The information enables the Federal Reserve to evaluate an organization's development over time. The FR 2058 notification is the only source of this information.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

1. *Report title:* Financial Statements for Bank Holding Companies.

Agency form number: FR Y-9C, FR Y-9LP, FR Y-9SP, FR Y-9CS, and FR Y-9ES.

OMB control number: 7100-0128.

Frequency: Quarterly, semiannually, and annually.

Reporters: BHCs.

Annual reporting hours: 399,192.

Estimated average hours per response:

FR Y-9C: 35.40 hours,

FR Y-9LP: 4.75 hours,

FR Y-9SP: 4.85 hours,

FR Y-9ES: 30 minutes,

FR Y-9CS: 30 minutes.

Number of respondents:

FR Y-9C: 2,240,

FR Y-9LP: 2,590,

FR Y-9SP: 3,253,

FR Y-9ES: 87,

FR Y-9CS: 600.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 522(b)(4), (b)(6) and (b)(8)].

Abstract: The FR Y-9C collects basic financial data from a domestic BHC on a consolidated basis in the form of a balance sheet, an income statement, and detailed supporting schedules, including a schedule of off-balance-sheet items, similar to the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 & 041; OMB No. 7100-0036). The FR Y-9C collects data from the BHC as of the end of March, June, September, and December. The FR Y-9C is filed by top-tier BHCs with total consolidated assets of \$150 million or more and lower-tier BHCs that have total consolidated assets of \$1 billion or more. In addition, multibank holding companies with total consolidated assets of less than \$150 million with debt outstanding to the general public or engaged in certain nonbank activities must file the FR Y-9C.

The FR Y-9LP collects basic financial data from domestic BHCs on an unconsolidated, parent-only basis in the form of a balance sheet, an income statement, and supporting schedules relating to investments, cash flow, and certain memoranda items. This report is filed as of the end of March, June, September, and December on a parent company only basis by each BHC that files the FR Y-9C. In addition, for tiered BHCs, a separate FR Y-9LP must be filed for each lower-tier BHC.

The FR Y-9SP is a parent company only financial statement filed by smaller BHCs as of the end of June and December. Respondents include one-bank holding companies with total consolidated assets of less than \$150 million and multibank holding companies with total consolidated assets of less than \$150 million that meet certain other criteria. This form is a simplified or abbreviated version of the more extensive parent company only financial statement for large BHCs (FR Y-9LP). This report collects basic balance sheet and income information for the parent company, information on intangible assets, and information on intercompany transactions.

The FR Y-9CS is a free form supplement that may be utilized to

collect any additional information deemed to be critical and needed in an expedited manner. It is intended to supplement the FR Y-9C and FR Y-9SP reports.

The FR Y-9ES collects financial information from employee stock ownership plans (ESOPs) that are also BHCs on their benefit plan activities as of December 31. It consists of four schedules: Statement of Changes in Net Assets Available for Benefits, Statement of Net Assets Available for Benefits, Memoranda, and Notes to the Financial Statements.

Current Actions: On October 25, 2004, the Federal Reserve issued for public comment proposed revisions to BHC reports (69 FR 62269). The comment period expired on December 27, 2004. The Federal Reserve received comment letters from two BHCs and one trade association. The comments received are addressed below.

Accelerated Filing Deadline – FR Y-9C

Effective in June 2005 top-tier BHCs are scheduled to accelerate the filing of their FR Y-9C reports to 35 days after the reporting date and each quarter thereafter, except for the December reporting date. Consistent with a delay in the implementation date announced by the Securities and Exchange Commission regarding its phased-in approach for accelerated filings, the Federal Reserve proposed to postpone commencement of its 35-day accelerated filing deadline until the June 2006 reporting date.

All three commenters supported delaying the effective date of this action and requested confirmation that the filing deadline for BHCs other than top-tier FR Y-9C filers would remain at 45 days after the reporting date. They also asked for reconfirmation that the 35-day deadline is defined as 30 calendar days plus 5 business days after the report date. The Federal Reserve confirms that the filing deadline for BHCs other than top-tier FR Y-9C filers and the definition of the 35-day filing deadline are correct.

Accelerated Filing Deadline – FR Y-9LP

As requested by a number of BHCs, the Federal Reserve proposed to make the filing deadline for the FR Y-9LP consistent with the filing deadline for top-tier FR Y-9C respondents. Because the FR Y-9LP serves as source information for completing the FR Y-9C, much of the information on the FR Y-9LP must be compiled prior to filing the FR Y-9C. Therefore filing the FR Y-9LP on the same time frame was not believed to entail additional reporting burden and could result in less

reporting burden due to fewer follow-up calls from the Federal Reserve.

All three commenters strongly opposed the shortened filing deadline for FR Y-9LP reports. They cited increased demands to prepare and complete required SEC filings, bank Call Report data, and the FR Y-9C data approximately one month after the reporting period date, and added that BHCs who wish to file their FR Y-9 data ahead of the deadline are not precluded from doing so. Further they stated that although data in the FR Y-9LP are used for completing the FR Y-9C, BHCs need to gather additional information (e.g., cash flow data, detail on investment in subsidiaries, memoranda information) for the FR Y-9LP that is not required on the FR Y-9C and additional analysis is required for the preparation of a parent company only presentation.

The Federal Reserve concurs with the commenters' argument that accelerating the filing deadline for the FR Y-9LP would impose additional burden to respondents. The Federal Reserve will retain the current filing deadline for the FR Y-9LP of 45 calendar days following the reporting date.

2. Report title: Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies.

Agency form number: FR Y-11 and FR Y-11S

OMB control number: 7100-0244.

Frequency: Quarterly and annually.

Reporters: BHCs.

Annual reporting hours: 31,877 hours.

Estimated average hours per response:

FR Y-11 (quarterly): 6 hours,

FR Y-11 (annual): 6 hours,

FR Y-11S (annual): 1 hour.

Number of respondents:

FR Y-11 (quarterly): 1,246,

FR Y-11 (annual): 218,

FR Y-11S (annual): 665.

General description of report: This information collection is mandatory (12 U.S.C. 1844(c)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 522(b)(4), (b)(6) and (b)(8)].

Abstract: The FR Y-11 and FR Y-11S collect financial information for individual U.S. nonbank subsidiaries of BHCs located in the United States. The FR Y-11 consists of a balance sheet and income statement; information on changes in equity capital, changes in the allowance for loan and lease losses, off-balance-sheet items, and loans; and a memoranda section. The FR Y-11S is an

abbreviated form that collects four data items: net income, total assets, equity capital, and total off-balance-sheet items. The data are used in conjunction with data from other BHC reports to assess the condition of BHCs that are heavily engaged in nonbanking activities and to monitor the volume, nature, and condition of their nonbanking operations.

Current Actions: On October 25, 2004, the Federal Reserve issued for public comment proposed revisions to the FR Y-11 reports (69 FR 62269) effective with the March 31, 2005, report date. The comment period expired on December 27, 2004. The Federal Reserve received one comment from a BHC.

The Federal Reserve proposed to revise the FR Y-11 reporting instructions for "all other assets" to exclude investments in unconsolidated subsidiaries and associated companies and include them in "balances due from related organizations." The commenter agreed with the proposed revision.

3. Report title: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 and FR 2314S.

OMB control number: 7100-0073.

Frequency: Quarterly and annually.

Reporters: Foreign subsidiaries of U.S. state member banks (SMBs), BHCs, and Edge or agreement corporations.

Annual reporting hours: 4,855 hours.

Estimated average hours per response:

FR 2314 (quarterly): 6 hours,

FR 2314 (annual): 6 hours,

FR 2314S (annual): 1 hour.

Number of respondents:

FR 2314 (quarterly): 156,

FR 2314 (annual): 143,

FR 2314S (annual): 253.

General description of report: This information collection is mandatory (12 U.S.C. 324, 602, 625, and 1844). Confidential treatment is not routinely given to the data in these reports.

However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6) and (b)(8) of the Freedom of Information Act [5 U.S.C. 522(b)(4), (b)(6) and (b)(8)].

Abstract: The FR 2314 data are collected from U.S. member banks, Edge and agreement corporations, and BHCs for their direct or indirect foreign subsidiaries. The FR 2314 consists of a balance sheet and income statement; information on changes in equity capital, changes in the allowance for loan and lease losses, off-balance-sheet items, and loans; and a memoranda section. The FR 2314S is an abbreviated form that collects four data items: net

income, total assets, equity capital, and total off-balance sheet items. The data are used to identify current and potential problems at the foreign subsidiaries of U.S. parent companies, to monitor the activities of U.S. banking organizations in specific countries, and to develop a better understanding of activities within the industry, in general, and of individual institutions, in particular. The FR 2314 is the only source of comprehensive and systematic data on the assets, liabilities, and earnings of the foreign bank and nonbank subsidiaries of U.S. SMBs, BHCs, and Edge and agreement corporations.

Current Actions: On October 25, 2004, the Federal Reserve issued for public comment proposed revisions to the FR 2314 reports (69 FR 62269) effective with the March 31, 2005, report date. The comment period expired on December 27, 2004. The Federal Reserve received one comment from a BHC.

The Federal Reserve proposed to revise the FR 2314 reporting instructions for "all other assets" to exclude investments in unconsolidated subsidiaries and associated companies and include them in "balances due from related organizations." The commenter agreed with the proposed revision.

Board of Governors of the Federal Reserve System, February 7, 2005.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 05-2675 Filed 2-10-05; 8:45 am]

BILLING CODE: 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-R-43]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper

performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Conditions of Participation for Portable X-ray Suppliers and Supporting Regulations in 42 CFR, Sections 486.104, 486.106, and 486.110; *Use:* This information collection request contains the recordkeeping requirements contained in the above noted regulation sections. These requirements are designed to ensure that each supplier has a properly trained staff to provide the appropriate type and level of care, as well as a safe physical environment for patients. CMS uses these conditions to certify portable X-ray Suppliers wishing to participate in the Medicare program.; *Form Number:* CMS-R-43 (OMB#: 0938-0338); *Frequency:* Recordkeeping; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 602; *Total Annual Responses:* 602; *Total Annual Hours:* 1,505.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at <http://www.cms.hhs.gov/regulations/pral/>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Reduction Act Reports Clearance Officer designated at the address below: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Melissa Musotto, Room C5-14-03, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: February 3, 2005.

John P. Burke, III,

CMS Paperwork Reduction Act Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group.

[FR Doc. 05-2658 Filed 2-10-05; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10131]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Evaluation of Medicare Disease Management Demonstrations; *Form No.:* CMS-10131 (OMB# 0938-NEW); *Use:* CMS contracted with Mathematica Policy Research, Inc. for the evaluation of programs and disease management. The purpose of the patient survey is to assess the impact of disease management and prescription drug benefits (the latter in 3 of the sites) on patient's health and functioning status, care satisfaction, health behaviors and knowledge of condition. Data from the physician survey will be used to assess physician satisfaction with disease management services, their perceptions of the impact of disease management on patient outcomes, education, and service use, and on their own practice and office workload.; *Frequency:* On Occasion; *Affected Public:* Individuals or households, Business or other for-profit; *Number of Respondents:* 5000; *Total Annual Responses:* 2500; *Total Annual Hours:* 1625.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web site

address at <http://www.cms.hhs.gov/regulations/pral/>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Christopher Martin, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 3, 2005.

John P. Burke, III,

CMS Paperwork Reduction Act Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group.

[FR Doc. 05-2659 Filed 2-10-05; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 1998N-0046]

Annual Comprehensive List of Guidance Documents at the Food and Drug Administration; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of January 5, 2005 (70 FR 824). The document provided the agency's annual comprehensive list of guidance documents. The list provided information on current guidance documents and those that have been withdrawn. The document was published with some inadvertent errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Joyce Strong, Office of Policy (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-7010.

SUPPLEMENTARY INFORMATION: In FR Doc. 05-155, appearing on page 824 in the **Federal Register** of Wednesday, January 5, 2005, the following corrections are made:

1. On page 867, in the list, under the heading "Guidance Documents Issued by CDRH—Continued," the entire entry is removed for the document entitled "Review of 510(k)s for Computer Controlled Medical Devices (blue book

memo #K91-1)" and for the document entitled "FDA Policy for The Regulation of Computer Products; Draft." These two guidance documents were listed in error as both current and withdrawn. These guidances have been withdrawn by the agency.

2. On page 894, in the list, under the heading "Guidance Documents Issued by CFSAN," the entire entry is removed for the document entitled "Investigations Operations Manual" and for the document entitled "Regulatory Procedures Manual." These two guidance documents were listed as being issued by the Center for Food Safety and Applied Nutrition in error. They can be found in the list of guidance documents issued by the Office of Regulatory Affairs.

Dated: February 3, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05-2642 Filed 2-10-05; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D-0474]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH); Final Guidance for Industry on Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish a Microbiological ADI (VICH GL-36); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance document for industry (#159) entitled "Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish a Microbiological ADI" (VICH GL36). This guidance has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This VICH guidance document provides guidance for assessing the human food safety of residues from veterinary antimicrobial drugs with regard to effects on the human intestinal flora.

DATES: Submit written or electronic comments at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV-12), Center for Veterinary Medicine (CVM), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>. Comments should be identified with the full title of the guidance and the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Louis T. Mulligan, Center for Veterinary Medicine (HFV-153), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-6984, e-mail: lmulliga@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Approval of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United

States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission, European Medicines Evaluation Agency, European Federation of Animal Health, Committee on Veterinary Medicinal Products, the U.S. FDA, the U.S. Department of Agriculture, the Animal Health Institute, the Japanese Veterinary Pharmaceutical Association, the Japanese Association of Veterinary Biologics, and the Japanese Ministry of Agriculture, Forestry and Fisheries.

Four observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/ New Zealand, one representative from the government of Canada, and one representative from the industry of Canada. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH Steering Committee meetings.

II. Guidance on Microbiological Acceptable Daily Intake

In the **Federal Register** of November 13, 2003 (68 FR 64354), FDA published the notice of availability of the VICH draft guidance, giving interested persons until December 15, 2003, to submit comments. After consideration of comments received, the draft guidance was changed in response to the comments and submitted to the VICH Steering Committee. At a meeting held on May 3, 2004, the VICH Steering Committee endorsed the final guidance for industry (VICH GL-36). This VICH guidance provides guidance for assessing the human food safety of residues from veterinary antimicrobial drugs with regard to effects on the human intestinal flora. The objectives of this guidance are: (1) To outline the recommended steps in determining the need for establishing a microbiological acceptable daily intake (ADI); (2) to recommend test systems and methods for determining no-observable adverse effect concentrations (NOAECs) and no-observable adverse effect levels (NOAELs) for the endpoints of health concern; and (3) to recommend a procedure to derive a microbiological ADI. It is recognized that different tests may be useful. The experience gained with the recommended tests may result in future modifications to this guidance and its recommendations. Information collection is covered under Office of

Management and Budget (OMB) control number 0910-0032.

III. Significance of Guidance

This document, developed under the VICH process, has been revised to conform to FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated "guidance" rather than "guideline." Because guidance documents are not binding, mandatory words such as "must," "shall," and "will" in the original VICH document have been substituted with "should." Similarly, words such as "require" or "requirement" have been replaced by "recommend" or "recommendation" as appropriate to the context.

The VICH guidance (#159) is consistent with the agency's current thinking on the subject matter. This guidance does not create or confer any rights for or on any person and will not operate to bind FDA or the public. An alternative method may be used as long as it satisfies the requirements of applicable statutes and regulations.

IV. Comments

As with all of FDA's guidances, the public is encouraged to submit written or electronic comments pertinent to this guidance. FDA will periodically review the comments in the docket and, where appropriate, will amend the guidance. The agency will notify the public of any such amendments through a notice in the **Federal Register**.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

Copies of the guidance document entitled "Studies to Evaluate the Safety of Residues of Veterinary Drugs in Human Food: General Approach to Establish a Microbiological ADI" (VICH GL-36) may be obtained on the Internet from the CVM home page at <http://www.fda.gov/cvm>.

Dated: February 3, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05-2643 Filed 2-10-05; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee 1—Clinical Sciences and Epidemiology.

Date: March 7–8, 2005.

Open: March 7, 2005, 8:30 a.m. to 10:45 a.m.

Agenda: Joint Session of NCI, Board of Scientific Advisors and BSC Subcommittees.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: March 7, 2005, 10:45 a.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Closed: March 8, 2005, 8 a.m. to 12:45 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Holiday Inn Bethesda, Versailles IV, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian E. Wojcik, PhD, Senior Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, 6116 Executive Boulevard, Room 2114, Bethesda, MD 20892, (301) 496-7628, wojcikb@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2645 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; CA05-018: CISNET.

Date: March 4, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: C. Michael Kerwin, PhD, MPH, Scientific Review Administrator, Special Review and Logistics Branch,

Division Of Extramural Activities, National Cancer Institute, National Institutes Of Health, 6116 Executive Boulevard, Room 8057, MSC 8329, Bethesda, MD 20892-8329, (301) 496-7421, kerwinm@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2646 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel.
Date: March 16, 2005.

Time: 8 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, Rockville; 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Harold L. Watson, PhD, Scientific Review Administrator, Office of Review, NCRR, National Institutes of Health, 6701 Democracy Blvd., Room 1078, Bethesda, MD 20892, (301) 435-0813, watsonh@mail.nih.gov.

Name of Committee: National Center for Research Resources Special Emphasis Panel.
Date: April 4, 2005.

Time: 8 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: NCRR, OR, 6701 Democracy Blvd., Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Harold L. Watson, PhD, Scientific Review Administrator, Office of Review, NCRR, National Institutes of Health, 6701 Democracy Boulevard, 1 Democracy Plaza, Room 1070, MSC 4874, Bethesda, MD 20892-4874, (301) 435-0813, watsonh@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2647 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Initial Review Group, Research Centers in Minority Institutions Review Committee.

Date: March 15, 2005.

Open: 8 a.m. to 9 a.m.

Agenda: To discuss program planning and other matters.

Place: Double Tree Hotel, Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: 9 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Harold L. Watson, PhD, Scientific Review Administrator, Office of Review, NCRR, National Institutes of Health, 6701 Democracy Boulevard, Room 1070, MSC 4874, Bethesda, MD 20892-4874. (301) 435-0813. watsonh@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2650 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Scientific and Technical Review Board.

Date: March 24, 2005.

Time: 9 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Office of Review, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Sheryl K. Brining, PhD, Director, Office of Review, NCRR, National Institutes of Health, 6701 Democracy Blvd, 1 Democracy Plaza, Room 1074, MSC 4874, Bethesda, MD 20892-4874. (301) 435-0809. sb44k@nih.gov.

Name of Committee: National Center for Research Resources Special Emphasis Panel.
Date: May 24-25, 2005.

Closed: May 24, 2005, 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Carol Lambert, PhD, Scientific Review Administrator, Office of

Review, National Center for Research Resources, National Institute of Health, 6701 Democracy Boulevard, 1 Democracy Plaza, Room 1076, Bethesda, MD 20892-4874. (301) 435-0814. lambert@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure, 93.306, 93.333, National Institutes of Health, HHS.)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2651 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be opened to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: February 28, 2005.

Time: 10 a.m. to 12 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: 1:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Closed: 7 p.m. to 9:30 p.m.

Agenda: Program Planning.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lore Anne McNicol, PhD, Director, Division of Extramural Research, National Eye Institute, National Institutes of Health, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Information is also available on the Institute's/Center's home page: <http://www.nei.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2652 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Clinical Trials Review Committee, February 28, 2005, 8 a.m. to March 2, 2005, 5 p.m., Sheraton Inner Harbor Hotel, 300 South Charles Street, Baltimore, MD 21201 which was published in the **Federal Register** on February 1, 2005, FR70:5191.

The meeting will start on February 27 at 6 p.m. and continue through March 1, 2005. The meeting is closed to the public.

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2656 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Member Conflict.

Date: March 1-2, 2005.

Time: 3 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rita Liu, PhD, Associate Director, OEA, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 212, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401, (301) 435-1388.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Member Conflict Meeting.

Date: March 9, 2005.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mark Swieter, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Boulevard, Suite 220, Bethesda, MD 20892-8401, (301) 435-1389, ms80x@nih.gov.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Member Conflict Meeting.

Date: March 9, 2005.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mark Swieter, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Boulevard, Suite 220, Bethesda, MD 20892-8401, (301) 435-1389, ms80x@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2648 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, SBIR—"Microarray Data Warehouse for Addiction Research".

Date: February 24, 2005.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Telephone conference call.)

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401. (301) 435-1438.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, SBIR—"Develop Research Training Modules for International Application".

Date: March 1, 2005.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401. (301) 435-1439.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Human

Factors Analysis in Virtual Reality (VR) for Bury Treatment.

Date: March 16, 2005.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852. (Telephone conference call.)

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892-8401. (301) 435-1438.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS.)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2649 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Nutrition and Gastroenterology.

Date: March 8, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National

Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892. (301) 402-7172.
woynarowskab@nidk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2653 Filed 2-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Advanced Research Cooperation for Environmental Health (ARCH) RFA ES-04-009

Date: March 16-18, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hawthorn Suites Hotel, 300 Meredith Drive, Research Triangle Park, NC 27713.

Contact Person: Leroy Worth, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC-30/Room 3171, Research Triangle Park, NC 27709, (919) 541-0670, worth@niehs.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk

Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–2654 Filed 2–10–05; 8:45 am]

BILLING CODE 440–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Research Program Project applications.

Date: March 21–22, 2005.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hawthorne Suites Hotel, 300 Meredith Drive, Research Triangle Park, NC 27713.

Contact Person: Janice B. Allen, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Science, P.O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709. (919) 541–

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower

Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–2655 Filed 2–10–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict in Speech Movement Physiology.

Date: February 15, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Maribeth Champoux, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7759, Bethesda, MD 20892, (301) 594–3163, champoum@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Respiratory Diseases.

Date: February 16, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Rass M. Shaiyq, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182,

MSC 7818, Bethesda, MD 20892, (301) 435–2359, shaiyqr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Software Development and Maintenance.

Date: February 18, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Marc Rigas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7826, Bethesda, MD 20892, (301) 402–1074, rigasm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Basic Aging.

Date: February 22–23, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: James P. Harwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7843, Bethesda, MD 20892, (301) 435–1256, harwoodj@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurodifferentiation, Plasticity, and Regeneration Study Section.

Date: February 24–25, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Joanne T. Fujii, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5204, MSC 7850, Bethesda, MD 20892, (301) 435–1178, fujij@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, GGG R15 Grant Applications.

Date: February 28, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael M. Sveda, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152,

MSC 7842, Bethesda, MD 20892, (301) 435-3565, svedam@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical Sensory Disorders.

Date: February 28, 2005.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435-1242, driscollb@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Hypertension and Microcirculation Study Section.

Date: March 1-2, 2005.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, (301) 435-1777, zouai@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Oral, Dental and Craniofacial Sciences Study Section.

Date: March 1-2, 2005.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435-1781, hoffeld@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skin and Rheumatology.

Date: March 1, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 594-6376, ansaria@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hearing Disorders in Humans: Member Conflict.

Date: March 1, 2005.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Christine L. Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435-1713, melchioc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Ataxia and Neurodegeneration.

Date: March 1, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Toby Behar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7850, Bethesda, MD 20892, (301) 435-4433, behart@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skin and Rheumatology.

Date: March 1, 2005.

Time: 2:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 594-6376, ansaria@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIB F 15B: Small Business: Tactile Imaging.

Date: March 1, 2005.

Time: 12 p.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert J. Nordstrom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, (301) 435-1175, nordstr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Muscle.

Date: March 2, 2005.

Time: 8:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 594-6376, ansaria@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Behavioral Neurosciences Fellowships (IFCN).

Date: March 2-3, 2005.

Time: 9 a.m. to 5 a.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, One Bethesda Metro, Bethesda, MD 20814.

Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435-1245, marcusr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Renal Function and Hypertension.

Date: March 2, 2005.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892, (301) 435-1195, sur@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 DIG-F (02) Member Conflict: XNDA.

Date: March 2, 2005.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rass M. Shayiq, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435-2359, shayign@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Inner Ear, Member Conflict.

Date: March 2, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Christine L. Melchoir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, (301) 435-1713, melchioc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB G 03M: Member Conflict: Bioengineering, Technology, and Surgical Sciences.

Date: March 2, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul F. Parakkal, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 435-1176, parakkap@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cortical Plasticity.

Date: March 2, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435-1242, driscollb@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Musculoskeletal Rehabilitation Sciences Study Section.

Date: March 2-4, 2005.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435-1786, pelhamj@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Electrical Signaling, Ion Transport, and Arrhythmias Study Section.

Date: March 3-4, 2005.

Time: 8 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rajiv Kumar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892, (301) 435-1212, kumarra@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, L-Fellowship.

Date: March 3-4, 2005.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 480 King Street, Alexandria, VA 22314.

Contact Person: Ramesh K. Nayak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7840, Bethesda, MD 20892, (301) 435-1026, nayakr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Gene Drug Delivery Systems.

Date: March 3-4, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Steven J. Zullo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192,

MSC 7849, Bethesda, MD 20892, (301) 435-2810, zullost@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Discovery and Mechanisms of Antimicrobial Resistance.

Date: March 3-4, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Tera Bounds, PhD, DVM, Scientific Review Administrator, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 3015-D, MSC 7808, Bethesda, MD 20892, (301) 435-2306, boundst@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Multiple Sclerosis/EAE.

Date: March 3, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: George Washington University Inn, 824 New Hampshire Ave., NW., Washington, DC 20037.

Contact Person: Calbert A. Laing, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, (301) 435-1221, laingc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Vector Biology.

Date: March 3-4, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.

Contact Person: John C. Pugh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435-2398, pughjohn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Modeling and Analysis of Biological Systems.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Malgorzata Klosek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7849, Bethesda, MD 20892, (301) 435-2211, klosekm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Research on Ethical Issues in Human Studies.

Date: March 3, 2005.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Karin F. Helmers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, (301) 435-1017, helmersk@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Developmental Brain Disorders Study Section.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sherry L. Stuesse, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892, (301) 435-1785, stuesses@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Bacterial Pathogenesis Study Section.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Melody Mills, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, (301) 435-0903, millsm@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Virology—B Study Section.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.

Contact Person: Robert Freund, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3200, MSC 7848, Bethesda, MD 20892, (301) 435-1050, freundr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bacterial Biodefense Agents.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Fouad A. El-Zaatari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, MSC 7808, Bethesda, MD 20814-9692, (301) 435-1149, elzaataf@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Health of the Population.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Valerie Durrant, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 435-3554, durrantv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Psychopathology, Developmental Disabilities, Stress and Aging Fellowships.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Lynn T Nielsen-Bohlman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089F, MSC 7848, Bethesda, MD 20892, (301) 594-5287, nielsenl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR: Risk Prevention and Health Behavior.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, (301) 594-3139, gutkincl@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group, Epidemiology of Cancer Study Section.

Date: March 3-4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: Denise Wiesch, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435-0684, wieschd@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, AITRP.

Date: March 3, 2005.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, (301) 594-6830, gerendad@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pain and Somatosensory (2).

Date: March 3, 2005.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, (301) 435-2212, josephru@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Respiratory Sciences Member Conflict.

Date: March 3, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: George M. Barnas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435-0696, barnasg@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ICOHRTA.

Date: March 3, 2005.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20892, (301) 594-6830, gerendad@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN H 02 M: The SCN and Circadian Rhythms.

Date: March 3, 2005.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435-1245, marcusr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN H 03 S: Sleep and the Basal Forebrain.

Date: March 3, 2005.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435-1245, marcusr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hematology Small Business Activities.

Date: March 4, 2005.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lawrence E. Boerboom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7814, Bethesda, MD 20892, (301) 435-8367, boerboom@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIB 13: Small Business Novel Technologies for In Vivo Imaging and Image-guided Cancer Interventions.

Date: March 4, 2005.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Arthur A. Petrosian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, (301) 435-1258, petrosia@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Rheumatology.

Date: March 4, 2005.

Time: 8:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 594-6376, ansaria@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, EPIC Member Conflict SEP.

Date: March 4, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Christopher Sempos, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7770, Bethesda, MD 20892, (301) 451-1329, sempsch@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Associated Conflict of Interest Special Emphasis Panel.

Date: March 4, 2005.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Lynn T Nielsen-Bohlman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3089F, MSC 7848, Bethesda, MD 20892, (301) 594-5287, nielsenl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genetic Determinants of Erythrocyte Hydration.

Date: March 4, 2005.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892, (301) 435-1195, sur@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIB 16: Small Business Novel Technologies for in Vivo Imaging and Image Guided Cancer Interventions.

Date: March 4, 2005.

Time: 4:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Arthur A. Petrosian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, (301) 435-1258, petrosia@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cardiovascular Sciences BRP.

Date: March 4, 2005.

Time: 12:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Rajiv Kumar, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7802, Bethesda, MD 20892, (301) 435-1212, kumarra@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-2657 Filed 1-10-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Understanding the Establishment and Maintenance of Pioneering Transition Programs—New

SAMHSA's Center for Mental Health Services will collect information about the establishment and maintenance of programs funded in part by state child mental health agencies that prepare youth from these agencies for adult functioning, and can provide these services continuously beyond the upper age limit of state child mental health eligibility. Many of the youth served in state child mental health systems cannot access state adult mental health services; thus, the ability to provide continuing transition support services to this population throughout the period of transition, roughly to the age of 25, is critical to the likelihood of adult success.

The small number of pioneering programs in the country that have successfully negotiated the system to achieve this status have much to teach those trying to develop better transition

support systems. In particular, the history of how the program was established, what it takes to maintain the program, the challenges the programs have faced in providing transition supports and their solutions to these problems can help others, and prevent needless duplication of trial and error.

This project will begin the development of guidelines for others attempting to bridge this important service gap through discovering shared and unique approaches to establishing and maintaining pioneering transition programs, and the challenges that they face in providing services to this grossly underserved population.

Nine such programs have been identified. Another four programs, that have not been maintained, will also be identified, yielding a total of 13 programs that will be examined. Examination will occur primarily through telephone interview of multiple stakeholders per program. Program information will also be requested electronically. Stakeholders from each program will consist of the following: 2 State-level child mental health administrators, 2 program-level administrators/staff, and up to an additional 3 key stakeholders that are identified during the process of interviewing the first 4 stakeholders. Stakeholders will be asked about 3 issues: (1) How the program was established; (2) efforts to keep the program open and funded; and (3) factors that facilitated or inhibited its opening or maintenance. Sufficient detail will be sought to determine the unique efforts needed for these kinds of programs, as opposed to common efforts made to establish any new program. Two questionnaires will be used to obtain this information, one for program administrators or staff and the other for other stakeholders.

The following table summarizes the estimated response burden for this project.

Questionnaire	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Staff	52	1	.....	1	52
Non-Staff	26	1	.....	1.5	39
Total	78	.....	78	.....	91

Written comments and recommendations concerning the proposed information collection should be sent by March 14, 2005, to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management

and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service,

respondents are encouraged to submit comments by fax to: 202-395-6974.

Dated: January 27, 2005.

Anna Marsh,

Executive Officer, SAMHSA.

[FR Doc. 05-2669 Filed 2-10-05; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[USCG-2004-17659]

Compass Port LLC Liquefied Natural Gas Deepwater Port License Application; Draft Environmental Impact Statement

AGENCY: Coast Guard, DHS; and Maritime Administration, DOT.

ACTION: Notice of availability; notice of public meeting; request for comments.

SUMMARY: The U.S. Coast Guard and the Maritime Administration announce the availability of the draft environmental impact statement for this license application. The application describes a project that would be located in the Outer Continental Shelf and Mississippi Sound areas of the Gulf of Mexico, approximately 11 miles south of Dauphin Island, AL, in lease block Mobile 910. The draft environmental impact statement is a Coast Guard document with several agencies, including the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission acting as cooperating agencies in the National Environmental Policy Act of 1969 process, as described by 40 CFR 1501.6. The Coast Guard is the lead federal agency in the preparation of the draft environmental impact statement for the liquefied natural gas terminal, construction of the gravity-based structures, and the associated offshore and onshore pipelines. The joint document will satisfy the requirements of the Deepwater Port Act. The U.S. Army Corps of Engineers will assist in the preparation of the draft environmental impact statements for permits pursuant to section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and section 404 of the Clean Water Act (33 U.S.C. 1344). The Federal Energy Regulatory Commission will assist in the preparation of the draft environmental impact statement for the onshore pipeline. Even though an affiliate of Compass Port LLC must separately apply for and receive an

authorization for the onshore pipeline, and from the Army Corps of Engineers for the appropriate section 10 and 404 permits, this draft environmental impact statement will assess the environmental impacts of both the onshore and offshore portions of the project. The lead agencies (Coast Guard and Maritime Administration), as well as the cooperating agencies (Federal Energy Regulatory Commission and U.S. Army Corps of Engineers), request public comments on the draft environmental impact statement.

DATES: Public meetings and informational open houses will be held. The informational open houses are on the following dates in the following cities:

- February 28, 2005, 4:30 p.m. to 6 p.m., Portland, TX.
- March 1, 2005, 4:30 p.m. to 6 p.m. (Cambodian language interpreter available), Bayou La Batre, AL.
- March 1, 2005, 6:30 to 8 p.m. (Laotian language interpreter available), Bayou La Batre, AL.
- March 2, 2005, 4:30 p.m. to 6 p.m. (Vietnamese language interpreter available), Bayou La Batre, AL.
- March 3, 2005, 4:30 p.m. to 6 p.m., Dauphin Island, AL.
- March 4, 2005, 4:30 p.m. to 6 p.m., Pascagoula, MS.

The public meetings will be held on the following dates in the following cities:

- February 28, 2005, 6:30 p.m. to 8:30 p.m., Portland, TX.
- March 2, 2005, 6:30 p.m. to 8:30 p.m. (Vietnamese, Laotian, and Cambodian language interpreters available), Bayou La Batre, AL.
- March 3, 2005, 6:30 to 8:30 p.m., Dauphin Island, AL.
- March 4, 2005, 6:30 p.m. to 8:30 p.m., Pascagoula, MS.

The public meetings may end later than the stated time, depending on the number of persons wishing to speak. Material submitted in response to the request for comments must reach the Department of Transportation's Docket Management Facility on or before March 27, 2005.

ADDRESSES: *Comments:* You may submit comments identified by Coast Guard docket number USCG-2004-17659 to the Docket Management Facility at the U.S. Department of Transportation:

(1) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

(2) By mail to the Docket Management Facility, (USCG-2004-17659), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The DOT Docket Management Facility accepts hand-delivered submissions, and makes docket contents available for public inspection and copying, at this address, in room PL-401, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility's telephone is 202-366-9329, its fax is 202-493-2251, and its web site for electronic submissions or for electronic access to docket contents is <http://dms.dot.gov>.

Meetings: The public meeting and informational open house in Portland, TX, will be held at: Portland Community Center, 2000 Billy G. Webb Dr., Portland, TX 78374, phone: 361-777-3301.

The public meetings and informational open houses in Bayou La Batre, AL, will be held at: Bayou La Batre Community Center, 12745 Padgett Switch Rd., Bayou La Batre, AL 36509, phone: 251-824-7918.

The public meeting and informational open house in Dauphin Island, AL, will be held at: Dauphin Island Chamber of Commerce, 402 La Vente St., Dauphin Island, AL 36528, phone: 251-861-5524.

The public meeting and informational open house in Pascagoula, MS, will be held at: Jackson County Fairgrounds Fair Hall, 2902 Shortcut Rd., Pascagoula, MS 39567, phone: 228-762-6043.

FOR FURTHER INFORMATION CONTACT: If you have questions on the project, contact Kenneth Smith, U.S. Coast Guard, telephone: 202-267-0578, email: KNSmith@comdt.uscg.mil. If you have questions on the National Environmental Policy Act of 1969 process, contact Joan Lang, U.S. Coast Guard, telephone: 202-267-2498, email: Jlang@comdt.uscg.mil. If you have questions on viewing the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone: 202-366-0271.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments or other relevant information on the draft environmental impact statement (DEIS). The public meeting is not the only opportunity you have to comment on

the DEIS. In addition to or in place of attending the meetings, you can submit material to the DOT Docket Management Facility during the public comment period (*see DATES*). All comments received will be posted, without change, to <http://dms.dot.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this rulemaking (USCG-2004-17659), indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the DOT Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments submitted during the public comment period, and then will prepare the final environmental impact statement (EIS). We will announce the availability of the final EIS and once again give you an opportunity for review and comment. If you would like to be notified when the final EIS is available, please contact either Coast Guard representative identified in **FOR FURTHER INFORMATION CONTACT**.

Viewing comments and documents: To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://dms.dot.gov> at any time and conduct a simple search using the docket number. You may also visit the DOT Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement

in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

Public Meeting and Open House

We invite you to learn about the proposed deepwater port at the informational open house, and to comment at the public meeting on the proposed action and the evaluation contained in the DEIS.

In order to allow everyone a chance to speak, we may limit speaker time, or extend the meeting hours, or both. You must identify yourself, and any organization you represent, by name. Your remarks will be recorded or transcribed for inclusion in the public docket.

You may submit written material at the public meeting, either in place of or in addition to speaking. Written material must include your name and address, and will be included in the public docket.

Because of significant numbers of persons speaking Vietnamese, Laotian, and Cambodian languages in the area around Bayou La Batre, AL, we are providing interpreters as noted in the **DATES** section. Interpreters at the public meeting in Bayou La Batre, AL, will translate public statements made in those languages for entry in the public docket in English. If you plan to attend either an open house or a public meeting, and need other special assistance such as sign language interpretation or other reasonable accommodation, please notify the Coast Guard (*see FURTHER INFORMATION CONTACT*) at least three business days prior to the date of the meeting. Include your contact information as well as information about your specific needs.

To submit comments to the Federal Energy Regulatory Commission (FERC) docket (CP04-114-000 and CP04-115-000), send an original and two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.

- Label one copy of the comments for the attention of Gas Branch 2, PJ11.2
- Reference Docket No. CP04-114-000; and
- Mail your comments to FERC so that they will be received in Washington, DC on or before March 27.

The FERC strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the FERC's Web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to

create a free account which can be created online.

Comments will be considered by the FERC, but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the FERC's Rules of Practice and Procedures (18 CFR 385.214).

Anyone may intervene in this proceeding based on this DEIS. You must file your request to intervene as specified above. You do not need intervenor status to have your comments considered.

The DEIS has been placed in the public files of the FERC and is available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426; phone: 202-502-8371. A limited number of copies are available from the Public Reference Room identified above. In addition, copies of the DEIS have been mailed to federal, state and local agencies, public interest groups, individuals who have requested the DEIS, newspapers, and parties to this proceeding.

Additional information about the project is available from the FERC's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, contact 202-502-8659. The eLibrary link also provides access to the texts of formal documents issued by the FERC, such as orders, notices, and rulemakings.

In addition, the FERC now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to <http://www.ferc.gov/esubscribenow.htm>.

Mobile District, U.S. Army Corps of Engineers (Corps) is issuing a public notice announcing the NOA and DEIS. Comments on this DEIS relating to matters within Corps jurisdiction should be submitted to the Coast Guard through the docket management system described in this notice with a copy furnished to the Corps at U.S. Army

Corps of Engineers, Mobile District,
Attn: Regulatory Branch, P.O. Box 2288,
Mobile, AL 36628.

Proposed Action

On June 25, 2004, the Coast Guard and MARAD published a notice of intent to prepare an environmental impact statement (EIS) for the proposed Compass Port deepwater port in the **Federal Register** (69 FR 35657). The proposed action requiring environmental review is the Federal licensing of the proposed deepwater port described in "Summary of the Application" below, which is reprinted from previous **Federal Register** notices in this docket.

Alternatives to the Proposed Action

The alternatives to licensing are: (1) Licensing with conditions (including conditions designed to mitigate environmental impact), and (2) denying the application, which for purposes of environmental review is the "no-action" alternative. These alternatives are more fully discussed in the DEIS.

Summary of the Application

The application plan calls for the proposed deepwater port to be located in the Outer Continental Shelf (OCS) and Mississippi Sound areas of the Gulf of Mexico, approximately 11 miles off Dauphin Island, AL, in lease block Mobile 910. Compass Port would serve as a liquefied natural gas (LNG) receiving, storage, and regasification facility, located in approximately 70 feet of water depth. It will incorporate docking facilities, unloading facilities, two LNG storage tanks, regasification facilities, an offshore pipeline, and support facilities.

Compass Port proposes the installation of approximately 26.8 miles of 36-inch diameter natural gas transmission pipeline on the OCS. In addition, approximately 4.9 miles of 36-inch diameter pipeline would be installed onshore to connect the proposed deepwater port and offshore pipeline with existing gas distribution pipelines near Coden, AL.

The deepwater port facility would consist of two concrete gravity-based structures (GBS) that would contain the LNG storage tanks, LNG carrier berthing provisions, LNG unloading arms, low and high pressure pumps, vaporizers, metering, utility systems, general facilities and accommodations. The terminal would be able to receive LNG carriers up to 255,000 cubic meters cargo capacity. Liquefied natural gas carrier arrival frequency would be planned to match specified terminal gas delivery rates. Liquefied natural gas

would be stored in two integral full-containment tanks, each with a capacity of 150,000 cubic meters, and a combined capacity of 300,000 cubic meters of LNG.

The regasification process would consist of lifting the LNG from the storage tanks, pumping the LNG to pipeline pressure, vaporizing across heat exchanging equipment, and sending out through the pipeline to custody transfer metering for ultimate delivery to downstream interstate pipeline capacity. No gas conditioning is required since the incoming LNG will meet the gas quality specifications of the downstream pipelines.

The deepwater port would be designed to handle a nominal capacity of 7.5 million metric tons per annum of LNG. This is equivalent to an average delivery of approximately 1.02 billion cubic feet per day (bcfd) of pipeline quality gas.

In the Notice of Application, the applicant had identified five locations as possible fabrication sites for the concrete gravity-based structures which would be used to contain the LNG storage tanks.

As a result of additional information during the development of this DEIS, three locations have been eliminated from further study. The two proposed locations for the fabrication sites are:

- Big Bend Site, Freeport, TX; and
- Kiewit Construction Site, Ingleside, TX.

Dated: February 8, 2005.

Howard L. Hime,

Acting Director of Standards, Marine Safety, Security, and Environmental Protection, U.S. Coast Guard.

H. Keith Lesnick,

Senior Transportation Specialist, Deepwater Ports Program Manager, U.S. Maritime Administration.

[FR Doc. 05-2804 Filed 2-9-05; 1:55 pm]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1575-DR]

Hawaii; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major

disaster for the State of Hawaii (FEMA-1575-DR), dated February 1, 2005, and related determinations.

EFFECTIVE DATE: February 1, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 1, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Hawaii, resulting from severe storms and flash flooding on October 30, 2004, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated area, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Michael Karl, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of Hawaii to have been affected adversely by this declared major disaster:

The City and County of Honolulu for Public Assistance.

The City and County of Honolulu are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030,

Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05-2700 Filed 2-10-05; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-3199-EM]

Illinois; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Illinois (FEMA-3199-EM), dated February 1, 2005, and related determinations.

EFFECTIVE DATE: February 1, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 1, 2005, the President declared an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (Stafford Act), as follows:

I have determined that the impact in certain areas of the State of Illinois, resulting from the record/near record snow on December 21-23, 2004, is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). Therefore, I declare that such an emergency exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide emergency protective measures under the Public

Assistance program to save lives, protect property and public health and safety. Other forms of assistance under Title V of the Stafford Act may be added at a later date, as you deem appropriate. You are further authorized to provide this emergency assistance in the affected areas for a period of 48 hours. You may extend the period of assistance, as warranted. This assistance excludes regular time costs for sub-grantees' regular employees. Assistance under this emergency is authorized at 75 percent Federal funding for eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Scott Wells, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of Illinois to have been affected adversely by this declared emergency:

The counties of Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Lawrence, Massac, Pope, Richland, Saline, Union, Wabash, White, and Williamson for emergency protective measures (Category B) under the Public Assistance program for a period of 48 hours. (Catalog of Federal Domestic Assistance No. 97.036, Disaster Assistance.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05-2702 Filed 2-10-05; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1573-DR]

Indiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA-1573-DR), dated January 21, 2005, and related determinations.

DATES: *Effective Date:* January 31, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 21, 2005:

DeKalb, Elkhart, Franklin, Fulton, Jasper, Kosciusko, Lake, Laporte, Marshall, Newton, Noble, Porter, Pulaski, Ripley, St. Joseph, Starke, Union, and Whitley Counties for Individual Assistance.

Allen, Dearborn, and Fayette Counties for Individual Assistance and Public Assistance.

Adams and Wayne Counties for Individual Assistance (already designated for Public Assistance.)

Rush County for Public Assistance (already designated for Individual Assistance)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05-2698 Filed 2-10-05; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1576-DR]

Utah; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Utah (FEMA-1576-DR), dated February 1, 2005, and related determinations.

EFFECTIVE DATE: February 1, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal

Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 1, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Utah, resulting from severe storms and flooding on January 8-12, 2005, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of Utah.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas; and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation, will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Justin DeMello, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Utah to have been affected adversely by this declared major disaster:

Kane and Washington Counties for Public Assistance.

All counties within the State of Utah are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-

Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05-2701 Filed 2-10-05; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1574-DR]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA-1574-DR), dated February 1, 2005, and related determinations.

DATES: *Effective Date:* February 1, 2005.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 1, 2005, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of West Virginia, resulting from severe storms, flooding, and landslides beginning on January 4, 2005, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas; Hazard Mitigation throughout the State; and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75

percent of the total eligible cost. If Other Needs Assistance under Section 408 of the Stafford Act is later warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Michael Bolch, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of West Virginia to have been affected adversely by this declared major disaster:

The counties of Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel for Public Assistance.

All counties within the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 05-2699 Filed 2-10-05; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4971-N-06]

Notice of Submission of Proposed Information Collection to OMB; Prepayment of Direct Loans on Section 202 and 202/8 Projects With Inclusion of FHA Mortgage Guidelines

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for

review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The collection is necessary for owners of multifamily housing projects financed under Section 202 of the National Housing Act requesting to prepay the mortgage.

DATES: *Comments Due Date:* March 14, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Approval Number (2502-0554) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; or Lillian Deitzer at Lillian_L_Deitzer@HUD.gov or

telephone 202-708-2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms. Deitzer and at HUD's Web site at <http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm>.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information

on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Prepayment of Direct Loans on Section 202 and 202/8 Projects.

OMB Approval Number: 2502-0554.

Form Numbers: HUD-9808.

Description of the Need for the Information and Its Proposed Use: The collection is necessary to gather relevant documents from owners of multifamily housing projects financed under Section 202 of the National Housing Act who request to prepay the mortgage. HUD staff must review the documents submitted by the owner to determine if approval of the prepayment request should be granted.

Frequency of Submission: Other Reporting is voluntary based on the owner's decision to prepay the mortgage.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	150	1		2		300

Total Estimated Burden Hours: 300.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 4, 2005.

Wayne Eddins,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. 05-2641 Filed 2-10-05; 8:45 am]

BILLING CODE 4210-72-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4665-N-22]

Conference Call Meeting of the Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of upcoming meeting via conference call.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the

Committee) to be held via telephone conference. This meeting is open to the general public, which may participate by following the instructions below.

DATES: The conference call meeting will be held on Tuesday, February 22, 2005, from 1 p.m. to 5 p.m. eastern time.

ADDRESSES: Information concerning the conference call can be obtained from the Department's Consensus Committee Administering Organization, the National Fire Protection Association (NFPA). Interested parties can log onto NFPA's Web site for instructions concerning how to participate, and for contact information for the conference call: <http://www.nfpa.org/category/List.asp?categoryID=858>. Alternately, interested parties may contact Jill McGovern of NFPA by phone at 617-984-7404 (this is not a toll-free number) for conference call information.

FOR FURTHER INFORMATION CONTACT: William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Office of the Deputy Assistant Secretary for Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone 202-708-6409 (this is not a toll-free number). Persons who have difficulty

hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with sections 10(a) and (b) of the Federal Advisory Committee Act (5 U.S.C. App. 2) and 41 CFR 102-3.150. The Manufactured Housing Consensus Committee was established under section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 4503(a)(3). The Committee is charged with providing recommendations to the Secretary to adopt, revise, and interpret manufactured home construction and safety standards and procedural and enforcement regulations, and with developing and recommending proposed model installation standards to the Secretary.

The purpose of this conference call meeting is to permit the Committee, at its request, to review and make further recommendations to the Secretary regarding proposed changes to Title 24, Code of Federal Regulations, §§ 3282.401 through 3282.418. The exceptional circumstances permitting less than 15 calendar days' notice of the

meeting are that it is necessary to have this meeting on this date, which has been agreed to by the Committee, to permit the committee to continue their consideration and action on the draft proposed changes of subpart I for recommendation to the Secretary.

Tentative Agenda

- A. Roll Call.
- B. Welcome and Opening remarks.
- C. Full Committee meeting and take actions on proposed changes to 24 CFR part 3282, subpart I of the Regulations.
- D. Adjournment.

Dated: February 4, 2005.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 05-2640 Filed 2-10-05; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Blackstone River Valley National Heritage Corridor Commission; Notice of Special Meeting

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission will be held on Friday, March 04, 2005.

The Commission was established pursuant to Public Law 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene on March 04, 2005 at 7 p.m. at the Commission Office at One Depot Square, Woonsocket, RI 02895 for the following reasons:

- 1. By-Law Amendment
- 2. Election of Officers

It is anticipated that about twenty-five people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: Michael Creasey, Executive Director, John H. Chafee, Blackstone River Valley National Heritage Corridor Commission, One Depot Square, Woonsocket, RI 02895, Tel.: (401) 762-0250.

Further information concerning this meeting may be obtained from Michael Creasey, Executive Director of the Commission at the aforementioned address.

Elizabeth McConnell,

Chief of Administration, BRVNHCC.

[FR Doc. 05-2671 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-RK-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by March 14, 2005.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: Philip A. Spulnik, Waldport, OR, PRT-096533.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Blair R. Hamilton, Spanish Fork, UT, PRT-097801.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa,

for the purpose of enhancement of the survival of the species.

Applicant: George P. DeMers, Jefferson City, MT, PRT-097875.

The applicant requests a permit to import the sport-hunted trophy of one male woods bison (*Bison bison athabasca*) taken in the Yukon Territory, Canada, for the purpose of enhancement of the survival of the species.

Applicant: James L. Brogan, Athens, WV, PRT-086007.

The applicant requests a permit to import the sport-hunted trophy of one male woods bison (*Bison bison athabasca*) taken from the Aishihik herd, Yukon Territory, Canada, for the purpose of enhancement of the survival of the species.

Applicant: Clarence T. Clem, Carrollton, TX, PRT-083717.

The applicant requests a permit to import the sport-hunted trophy of one male cheetah (*Acinonyx jubatus*) taken in Namibia, for the purpose of the enhancement of the survival of the species.

Applicant: James W. Crawford, III, Henderson, NC, PRT-085085.

The applicant requests a permit to import the sport-hunted trophy of one cheetah (*Acinonyx jubatus*) taken in Namibia, for the purpose of the enhancement of the survival of the species.

Applicant: Emanuel Gerstein, West Palm Beach, FL, PRT-080455.

The applicant requests a permit to import the sport-hunted trophy of one cheetah (*Acinonyx jubatus*) taken in Namibia, for the purpose of the enhancement of the survival of the species.

Applicant: Renee Snider, Elk Grove, CA, PRT-080078.

The applicant requests a permit to import the sport-hunted trophy of one female cheetah (*Acinonyx jubatus*) taken in Namibia, for the purpose of the enhancement of the survival of the species.

Applicant: Stephen D. Hornady, Grand Island, NE, PRT-081325.

The applicant requests a permit to import the sport-hunted trophy of one straight-horned markhor (*Capra falconeri megaceros*) taken in the Torghar Hills region of Pakistan, for the purpose of the enhancement of the survival of the species.

Applicant: Harry D. Nicholson, Sr., Corsicana, TX, PRT-090959.

The applicant requests a permit to import the sport-hunted trophy of one

Karaganda argali (*Ovis ammon collium*) taken in the Republic of Kazakhstan, for the purpose of the enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361, *et seq.*), and the regulations governing marine mammals (50 CFR Part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: San Francisco Zoological Garden, San Francisco, CA, PRT-097957.

The applicant requests a permit to import biological samples from free ranging wild polar bears (*Ursus maritimus*) in Norway, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a five-year period.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: February 4, 2005.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 05-2680 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by March 14, 2005.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

PRT-097882

Applicant: Bonnie Ringo, Cave Junction, Oregon.

The applicant requests a permit to export three tigers (*Panthera tigris*) to the Papanack Park Zoo in Wendover, Ontario, Canada, for conservation education and enhancement of the survival of the species.

PRT-098184

Applicant: Bonnie Ringo, Cave Junction, Oregon.

The applicant requests a permit to import one male tiger (*Panthera tigris*) from the Zoological Garden of Buenos Aires, Argentina, for breeding and conservation education.

PRT-097864

Applicant: Oklahoma City Zoological Park, Oklahoma City, OK.

The applicant requests a permit to import two live female captive-born jaguars (*Panthera onca*) from La Aurora Zoo, Guatemala City, Guatemala, for the purpose of enhancement of the survival of the species.

PRT-098671

Applicant: Michael Remesch, Chagrin Falls, OH.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management

program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361, *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete application or requests for a public hearing on this application should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT-098679

Applicant: Brian Hansen, Punta Gorda, FL.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population in Canada for personal, noncommercial use.

Dated: January 28, 2005.

Michael L. Carpenter,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 05-2681 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

National Cooperative Geologic Mapping Program (NCGMP) Advisory Committee

AGENCY: U.S. Geological Survey.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 106-148, the NCGMP Advisory committee will meet in Room 7000 B of the Main Interior Building, 1849 C Street, NW., Washington, DC. The Advisory Committee, composed of scientists from Federal agencies, State agencies, academic institutions, and private companies, will advise the Director of the U.S. Geological Survey on planning and implementation of the geologic mapping program.

Topics to be reviewed and discussed by the Advisory Committee include the:

- Progress of the NCGMP towards fulfilling the purposes of the National Geologic Mapping Act of 1992

- Updates on the Federal, State, and educational components of the NCGMP
- Strategic Goals

DATES: March 24–25, 2005 commencing at 9 a.m. on March 24 and adjourning by 5 p.m. on March 25.

FOR FURTHER INFORMATION CONTACT:

Laurel Bybell, U.S. Geological Survey, 908 National Center, Reston, Virginia 20192 (703) 648–5281.

SUPPLEMENTARY INFORMATION: Meetings of the National Cooperative Geologic Mapping Program Advisory Committee are open to the Public.

P. Patrick Leahy,

Associate Director for Geology, U.S. Geological Survey.

[FR Doc. 05–2721 Filed 2–10–05; 8:45 am]

BILLING CODE 4310–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–090–1220–MA]

Notice of Seasonal Closure of Public Lands to Motorized Vehicle Use

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of seasonal closure of certain public lands located in Lincoln County, Wyoming, to all types of motor vehicle use.

SUMMARY: Pursuant to 43 Code of Federal Regulations (CFR) subpart 8364, the Bureau of Land Management (BLM) announces its intentions to close certain BLM-administered public lands to all types of motor vehicle use during the period of January 1 through April 30, annually. This seasonal closure is needed to protect public lands and resources and to minimize stress to wintering elk, moose, pronghorn antelope and mule deer.

This seasonal closure affects public lands located within the Raymond Mountain Wilderness Study Area (WSA), Slate Creek, Rock Creek, and Bridger Creek winter ranges. Except for travel on highways or county roads, motorized vehicle travel within these areas will be allowed only by written authorization from the Kemmerer Field Manager. Personnel of the BLM, Wyoming Game and Fish Department, U.S. Department of Agriculture-APHIS & Forest Service, U.S. Fish & Wildlife Service, and law enforcement personnel are exempt from this closure only when performing official duties. Operators of existing oil and gas facilities may perform maintenance and pumping, as approved, and livestock operators may perform permitted activities.

DATES: This seasonal closure will be effective annually from January 1 through April 30.

FOR FURTHER INFORMATION CONTACT:

Wally Mierzejewski, Outdoor Recreation Planner, or Dale Wondercheck, Wildlife Biologist, Bureau of Land Management, 312 Highway 189 North, Kemmerer, Wyoming 83101. Mr. Mierzejewski or Mr. Wondercheck may also be contacted by telephone at 307–828–4500.

SUPPLEMENTARY INFORMATION: The Kemmerer Resource Management Plan (RMP) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) states that big game winter ranges may be closed to minimize stress to wintering animals. Prior to effecting seasonal closures the BLM must consult annually with the Wyoming Game and Fish Department. If conditions warrant, the BLM Kemmerer Field Manager may implement a seasonal closure on certain BLM-administered lands and travel ways including existing roads and two-track trails, to all types of motorized vehicle travel (i.e., snowmobiles, all-terrain vehicles, any vehicle including trucks, sport utility vehicles and cars, motorcycles etc.). Crucial big game winter range as identified in the Kemmerer RMP may be closed annually from January 1 through April 30. Use of these areas by non-motorized means is still allowed.

The BLM Kemmerer Field Office is responsible for management of crucial winter range habitat located on public lands within Lincoln County. The Raymond Mountain WSA, Slate Creek, Rock Creek, and Bridger Creek areas are crucial wintering ranges for elk, moose, antelope, and mule deer. Reasons for the closure include the effects of persistent drought and/or severe winter conditions which threaten the health of these wintering wildlife species. Low forage production associated with persistent drought conditions causes animals to go into winter in poor condition. Losses of wintering habitat from development activity can reduce the area available to the wintering animals. These impacts to wintering wildlife are compounded by significant human activity, such as day and night wildlife observation, still and video photography, snowmobiling, and antler gathering. Because of the increased stress the presence of motorized vehicles inflicts on wintering big game during difficult winter periods, the number of animals that could die and the rate of aborting of fetuses on the winter range can increase. This decreases production of young during the following summer. Therefore, closing crucial winter range to

motorized vehicles reduces impacts to wintering big game.

The following BLM-administered lands are included in this closure:

- The Raymond Mountain WSA, located approximately 15 miles north of Cokeville and contains 32,956 acres.
- The Slate Creek area including all BLM-administered lands south of Fontenelle Creek, west and north of Route 189, and east of the crest of Slate Creek Ridge, and contains 111,100 acres.
- The Rock Creek area including all BLM-administered lands south of County Road 204 (Pine Creek Road), west of the crest of Dempsey Ridge, west of Fossil Butte National Monument, north and east of Highway 30, and contains 105,750 acres.
- The Bridger Creek area including all BLM-administered lands south of Highway 30, west of Fossil Ridge, west of Bear River Divide, north of the Uinta—Lincoln County line, east of the Utah—Wyoming border, and southeast of Highway 89, and contains 98,400 acres.

Maps of these areas will be posted with this notice at key locations that provide access into the closure areas, as well as at the Kemmerer Field Office, 312 Highway 189 North, Kemmerer, Wyoming 83101–9710.

Seasonal closure orders may be implemented as provided in 43 CFR, subparts 8341.2 and 8364.1. Violations of this closure are punishable by a fine not to exceed \$1000, and/or imprisonment not to exceed 12 months.

Dated: December 21, 2004.

Robert A. Bennett,
State Director.

[FR Doc. 05–2638 Filed 2–10–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–100–04–1310–DB]

Notice of Availability of a Draft Environmental Impact Statement for the Jonah Infill Drilling Project, Sublette County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of a Draft Environmental Impact Statement (DEIS) for the proposed Jonah Infill Drilling Project and notice of public involvement meeting for the purposes of providing comment on the DEIS.

SUMMARY: Under the National Environmental Policy Act (NEPA), the

Federal Land Policy and Management Act of 1976 (FLPMA) and associated regulations, the Bureau of Land Management (BLM) in cooperation with the State of Wyoming, announces the availability of a DEIS that evaluates, analyzes, and discloses to the public direct, indirect, and cumulative environmental impacts of a proposal to continue to develop a natural gas field by increasing the density of well locations by drilling additional wells. This practice is known as "infill" drilling.

The Jonah Infill Drilling Project (JIDP) area is located approximately 32 miles southeast of Pinedale and 28 miles northwest of Farson, Sublette County, Wyoming. The JIDP area is approximately 30,200 acres in Townships 29 and 30 North, Range 114 West, 6th Principal Meridian. The DEIS analyzes a proposal made by EnCana Oil & Gas (USA) Inc., (EnCana) and BP America Production Company (BP), referred to collectively as "the Companies," to increase development of Federal natural gas resources in an area known as the Jonah Field. The Companies' proposal includes drilling up to 3,100 natural gas wells from existing and new well pads, at a minimum well pad density of 64 well pads per aliquot section (1 wellpad/10 acres), and at a rate of 250 wells per year. The infill drilling is expected to be concentrated in a 21,000 acre portion of the Jonah Field. The proposed life of project (LOP) is 70 to 80 years with the majority of drilling and development activities to occur within the first 8 to 12 years following approval. The proposal also includes constructing or upgrading associated ancillary transportation and transmission facilities within the 30,200 acres project area. The total project area is comprised of: Approximately 28,280 acres of Federal surface and mineral estate administered by the BLM; 1,280 acres of State of Wyoming surface and minerals; and 640 acres of private surface ownership with Federal mineral (split estate).

Under the provisions of NEPA, the State of Wyoming assisted in the preparation of the DEIS as a cooperating agency.

DATES: The DEIS will be available for review for 60 calendar days following the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The BLM can best use your comments and resource information within the 60 day review period provided above.

The BLM will announce public meetings and other opportunities to submit comments on this project at least 15 days prior to the event.

Announcements will be made through local news media and the Pinedale Field Office's Web site; <http://www.wy.blm.gov/pfo/info.htm>. These meetings will provide the public with the opportunity to submit oral or written comments on the DEIS to the BLM.

ADDRESSES: A copy of the DEIS has been sent to affected Federal, State and local government agencies and to interested parties.

An electronic copy of the DEIS may be viewed or downloaded from the BLM Web site at <http://www.wy.blm.gov/pfo>. Copies of the DEIS are available for public inspection at the following BLM office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming.
- Bureau of Land Management, Pinedale Field Office, 432 East Mill Street, Pinedale, Wyoming.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Carol Kruse, Project Manager, BLM Pinedale Field Office, 432 East Mill Street, Pinedale, Wyoming 82941. Ms. Kruse may also be reached at (307) 367-5352.

SUPPLEMENTARY INFORMATION: In response to a proposal submitted by the Companies, the BLM published in the March 13, 2003, **Federal Register** a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and notice of the potential for amendment of the Pinedale Resource Management Plan (RMP).

As described in the NOI, the Companies' original proposal to drill 450 wells in addition to 47 existing wells at the same number of well locations was approved by the BLM in the Environmental Assessment (EA), Finding of No Significant Impact and Decision Record for the Modified Jonah Field II Natural Gas Project, March 2000 (Modified Jonah Field II EA). In September 2002, the Companies submitted a proposal to drill and develop an additional 1,250 wells from 850 well pad locations within the same area analyzed in the Modified Jonah Field II EA. This proposal was based on a well pad spacing of one well pad per 20 to 10 acres. (32 to 64 wells per aliquot section). In November 2003, the Companies submitted a revision to their proposal; this revised proposal is described and analyzed as the "Proposed Action" alternative. The Companies revised their proposal from

drilling and development of an additional 1,250 wells to drilling and development of an additional 3,100 wells. Well location spacing would be dictated by the geologic conditions, such as geologic formations and the location of gas resources. Well pad spacing would vary from one well pad per 5 acres to one well pad per 20 acres.

The DEIS describes in detail and analyzes the impacts of eight alternatives, in addition to the No Action Alternative and the Companies' Proposed Action. The following is a summary of the alternatives:

1. *No Action Alternative*—No additional development would be authorized beyond what is currently authorized as recorded in the March 2000 decision made for Modified Jonah II Project.

2. *Proposed Action*—Up to 3,100 new wells would be drilled and developed. Well pad location spacing would depend on geologic conditions. Drilling rate would be up to 250 wells per year. Operator-committed mitigation measures would be applied.

3. *Alternative A*—This alternative proposes to maximize economic recovery of gas resources. Up to 3,100 new wells would be drilled and developed. Well pad location would depend on geologic conditions. Drilling and well development rates would vary between 75 and 250 wells per year. No "operator-committed" mitigation measures would apply, but some BLM-standard mitigation measures would be applied.

4. *Alternative B*—This alternative proposes activities that would minimize surface disturbance within the project area. No new well pads would be constructed and existing well pads would be expanded to accommodate additional directionally drilled wells as appropriate. Drilling and well development rates would vary between 75 and 250 wells per year. The Companies would agree to some "operator committed" mitigation and some mitigation measures would be required in addition to standard mitigation measures.

5. *Alternative C*—This alternative proposes activities that would allow a moderate level of surface disturbance. Up to 1,250 new wells would be drilled and developed. Drilling and development rates would vary between 75 and 250 wells per year. The Companies would agree to some "operator committed" mitigation and some mitigation measures would be required in addition to standard mitigation measures.

6. *Alternative D*—This alternative proposes activities that would allow an

intermediate level of surface disturbance. Up to 2,200 new well pads would be drilled and developed. Drilling and development rates would vary between 75 and 250 wells per year. The Companies would agree to some "operator committed" mitigation and some mitigation measures would be required in addition to standard mitigation measures.

7. *Alternative E*—This alternative proposes to restrict well pad spacing to 16 well pads per aliquot section or 1 well pad per 40 acres. Up to 3,100 new wells and up to 266 new well pads would be drilled and developed. Drilling and well development rates would vary between 75 and 250 wells per year. The Companies would agree to some "operator committed" mitigation and some mitigation measures would be required in addition to standard mitigation measures.

8. *Alternative F*—This alternative proposes to restrict well pad spacing to 32 well pads per aliquot section, or 1 well pad per 20 acres. Up to 3,100 new wells and up to 1,208 well pads would be drilled and developed. Drilling and well development rates would vary between 75 and 250 wells per year. The Companies would agree to some "operator committed" mitigation and some mitigation measures would be required in addition to standard mitigation measures.

9. *Alternative G*—This alternative proposes to restrict well pad spacing to 64 well pads per aliquot section, or 1 well pad per 10 acres. The Companies would agree to some "operator committed" mitigation and some mitigation measures would be required in addition to standard mitigation measures.

10. *Agency Preferred Alternative*—This alternative would allow up to 3,100 new wells from a variable number of well pads to be drilled and developed. Three drilling density zones in the project area would govern surface well pad location. The drilling rate is 250 well per year. In addition to "operator committed" mitigation on-site, the Companies would agree to conduct off-site mitigation and an accelerated reclamation schedule.

Features common to all action alternatives: Exploration of unexplored formations; inclusion of the north half of Section 23, T. 28 N., R. 109 W. as a similar action for analysis purposes; development of ancillary facilities, including but not limited to a new warehouse, expansion of existing compressor stations, and new/expanded water disposal facilities; some degree of upgrade of the Burma Road; and an average Life of Field (LOF) of 70 to 80

years beginning with project authorization through reclamation.

Disposition of Potential for Amendment of the Pinedale RMP: Based on a review of information and comments received in response to the NOI and during the preparation of the DEIS, the Pinedale Field Manager has determined that this proposal is in conformance with the Pinedale RMP (1988). Postponing this DEIS until the Pinedale RMP revisions, that are currently underway, are completed, would not be in the public interest nor a timely agency response to the Companies' proposal made in 2001. Therefore, no amendment to the Pinedale RMP will be made as a result of analyses conducted for this DEIS.

How To Submit Comments

The BLM welcomes your comments on the JIDP DEIS. The BLM asks that those submitting comments make them as specific as possible with reference to chapters, page numbers, and paragraphs in the DEIS document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered, and included, as part of the BLM decision-making process. The most useful comments will contain new technical or scientific information, identify data gaps in the impact analysis, or provide technical or scientific rationale for opinions or preferences.

Written comments may be mailed directly or delivered to the BLM at: Jonah Infill Drilling Project DEIS, Project Manager, Bureau of Land Management, Pinedale Field Office, 432 East Mill Street, P.O. Box 768, Pinedale, Wyoming 82941.

You may send comments electronically to WYMail_Jonah_Infill@blm.gov. Please put "Attention: Carol Kruse" in the subject line. Comments submitted by facsimile will not be accepted or considered.

To receive full consideration by the BLM all DEIS comment submittals must include the commenter's name and street address.

Comments, including the names and street addresses of each respondent, will be available for public review at the BLM office listed above during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except for Federal holidays. Your comments may be published as part of the EIS process. Individual respondents may request confidentiality. If you wish to withhold your name or street address, or both, from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the

beginning of your written comments. Such requests will be honored to the extent allowed by law. We will not consider anonymous comments. All submissions from organizations or businesses will be made available for public inspection in their entirety.

Robert A. Bennett,
State Director.

[FR Doc. 05-2636 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-100-05-1310-DB]

Notice of Meeting of the Pinedale Anticline Working Group's Transportation Task Group

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (1976) and the Federal Advisory Committee Act (1972), the U.S. Department of the Interior, Bureau of Land Management (BLM) Pinedale Anticline Working Group (PAWG) Transportation Task Group (subcommittee) will meet in Pinedale, Wyoming, for a business meeting. Task Group meetings are open to the public.

DATES: A PAWG Transportation Task Group meeting is scheduled for March 8, 2005, from 1 p.m. until 5 p.m.

ADDRESSES: The meeting of the PAWG Transportation Task Group will be held in the Board Room of the Pinedale Library at 155 S. Tyler Ave., Pinedale, WY.

FOR FURTHER INFORMATION CONTACT: Bill Wadsworth, BLM/Transportation TG Liaison, Bureau of Land Management, Pinedale Field Office, 432 E. Mills St., PO Box 738, Pinedale, WY, 82941; 307-367-5341.

SUPPLEMENTARY INFORMATION: The Pinedale Anticline Working Group (PAWG) was authorized and established with release of the Record of Decision (ROD) for the Pinedale Anticline Oil and Gas Exploration and Development Project on July 27, 2000. The PAWG advises the BLM on the development and implementation of monitoring plans and adaptive management decisions as development of the Pinedale Anticline Natural Gas Field (PAPA) proceeds for the life of the field.

After the ROD was issued, Interior determined that a Federal Advisory Committees Act (FACA) charter was required for this group. The charter was

signed by Secretary of the Interior, Gale Norton, on August 15, 2002, and renewed on August 13, 2004. An announcement of committee initiation and call for nominations was published in the **Federal Register** on February 21, 2003, (68 FR 8522). PAWG members were appointed by Secretary Norton on May 4, 2004.

At their second business meeting, the PAWG established seven resource- or activity-specific Task Groups, including one for Transportation. Public participation on the Task Groups was solicited through the media, letters, and word-of-mouth.

The agenda for this meeting will include information gathering and discussion related to implementation and funding of the adopted transportation monitoring plan for the Pinedale Anticline gas field. At a minimum, public comments will be heard just prior to adjournment of the meeting.

Dated: February 2, 2005.

Priscilla E. Mecham,
Field Office Manager.

[FR Doc. 05-2639 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-1310-01; WYW141360]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW141360 for lands in Sweetwater County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Theresa M. Stevens, Land Law Examiner, at (307) 775-6167.

SUPPLEMENTARY INFORMATION: The lessees have agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively. The lessees have paid the required \$500 administrative fee and

\$166 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW141360 effective April 1, 2004, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Theresa M. Stevens,
Land Law Examiner.

[FR Doc. 05-2637 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Availability of the Cascade-Siskiyou National Monument Proposed Resource Management Plan and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) of 1976 and the National Environmental Policy Act (NEPA) of 1969, the Bureau of Land Management (BLM) has prepared a Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS) for the Cascade-Siskiyou National Monument (CSNM). This planning activity encompasses approximately 52,947 acres of public land located in Jackson County in southwestern Oregon. The BLM has and will continue to work closely with all interested parties to identify management decisions that best protect public lands in the monument. Final decisions will supercede the Medford District Resource Management Plan completed in 1995 for lands within the CSNM area and provide direction for management of these public lands.

DATES: Publication of the Environmental Protection Agency (EPA) Notice of Availability initiates a 30 day protest period. BLM Planning Regulations (43 CFR 1610.5-2) states that any person who participated in the planning process, and has an interest that may be adversely affected, may protest. The protest must be filed within 30 days of the date that the EPA publishes this notice in the **Federal Register**. Instructions for filing of protests are described in the "Dear Interested Party" letter of the CSNM PRMP/FEIS and

included in the **SUPPLEMENTARY INFORMATION** section of this notice.

Comments on the Proposed Plan and Final EIS may be submitted to Medford District Office, Attn: Howard Hunter, Project Manager, at the address listed below.

ADDRESSES: Copies of the CSNM PRMP/FEIS have been sent to affected Federal, state, and local government agencies and to known interested parties. The PRMP/FEIS is available for public inspection at the Medford District Office in Medford, Oregon, during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays). Interested persons may also review the PRMP/FEIS on the Internet at <http://www.or.blm.gov/Medford/CSNM>.

FOR FURTHER INFORMATION CONTACT:

Howard Hunter, Project Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon, 97504, telephone (541-618-2256) or fax (541-734-2400).

SUPPLEMENTARY INFORMATION: The proposed management described in the PRMP/FEIS was developed based on the four alternatives examined in the Draft RMP/EIS (2002) and subsequent public review and comment on the Draft RMP/EIS (June 2002-December 2002).

The proposed management detailed in the FEIS addresses vegetation management, transportation and access, livestock grazing, recreation, visitor use, facilities, and rights-of-way. The PRMP describes a management strategy for meeting the primary goals of the proclamation. An approved RMP/Record of Decision is expected to be available for the public by February 2005 after resolution of any protests.

Comments on the Draft RMP/EIS received from the public and internal BLM review comments were incorporated into the proposed plan where appropriate. Public comments resulted in some additional analysis and the addition of clarifying text, but did not significantly change proposed land use decisions.

Instructions for filing a protest with the Director of the BLM regarding the PRMP/FEIS may be found at 43 CFR 1610.5. A protest may only raise those issues which were submitted for the record during the planning process. E-mail and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, BLM will consider the e-mail or faxed protest as an advance copy and it will receive full consideration. If you wish to provide BLM with such

advance notification, please direct faxed protests to the attention of the BLM protest coordinator at 202-452-5112 and emails to Brenda_Hudgens-Williams@blm.gov. Please direct the follow-up letter to the appropriate address provided below. To be considered complete, your protest must contain (at minimum) the following information:

(1) Name, mailing address, telephone number and the affected interest of the person filing the protest(s).

(2) A statement of the part or parts of the proposed plan and issues being protested. To the extent possible, this should be done by reference specific pages, paragraphs, and sections of the FEIS.

(3) A copy of all documents addressing the issue or issues which were submitted during the planning process or a reference to the date the issue or issues were discussed by the person participating for the record.

(4) A concise statement explaining why the proposed decision is believed to be incorrect. This is a critical part of your protest. Document all relevant facts, as much as possible. A protest merely expressing disagreement with the State Director's proposed decision without providing any supporting data will not be considered a valid protest.

All protests must be in writing and mailed to the following address:

Regular Mail: Director, WO-210/LS-1075, Bureau of Land Management, Attn: Brenda Hudgens-Williams, Department of the Interior, P.O. Box 66538, Washington DC, 20240.

Overnight Mail: Director, WO-210/LS-1075, Bureau of Land Management, Attn: Brenda Hudgens-Williams, Department of Interior, 1620 L Street NW., Suite 1075, Washington, DC 20036.

To be considered timely, your protest must be postmarked no later than the last day of the protest period. Though not a requirement, we suggest you send your protest by certified mail, return receipt requested. You are also encouraged, but not required, to forward a copy of your protest to the Project Manager at the address listed below. This may allow us to resolve the protest through clarification of intent or alternative dispute resolution methods.

Please note that comments and protests, including names and street addresses, are available for public review and/or release under the Freedom of Information Act (FOIA).

Individual respondents may request confidentiality. Respondents who wish to withhold name and/or street address from public review or from disclosure under FOIA, must state this prominently at the beginning of the written comment. Such request will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or official organizations or business, will be made available for public inspection in their entirety.

The Director will promptly render a decision on the protest. This decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the Director shall be the final decision of the Department of the Interior.

Timothy B. Reuwsaat,

Medford District Manager, Bureau of Land Management.

[FR Doc. 05-2634 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-33-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Central Gulf of Mexico (GOM) Oil and Gas Lease Sale 194

AGENCY: Minerals Management Service, Interior.

ACTION: Final Notice of Sale (FNOS) 194.

SUMMARY: On March 16, 2005, the MMS will open and publicly announce bids received for blocks offered in Central GOM Oil and Gas Lease Sale 194, pursuant to the OCS Lands Act (43 U.S.C. 1331-1356, as amended) and the regulations issued thereunder (30 CFR part 256).

The Final Notice of Sale 194 Package (FNOS 194 Package) contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the Package.

DATES: Public bid reading will begin at 9 a.m., Wednesday, March 16, 2005, in the Hyatt Regency Conference Center (Cabildo Rooms), 500 Poydras Plaza, New Orleans, Louisiana. All times referred to in this document are local New Orleans times, unless otherwise specified.

ADDRESSES: Bidders can obtain an FNOS 194 Package containing this Notice of

Sale and several supporting and essential documents referenced herein from the MMS Gulf of Mexico Region Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, (504) 736-2519 or (800) 200-GULF, or via the MMS Internet Web site at <http://www.mms.gov>.

Filing Of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, between 8 a.m. and 4 p.m. on normal working days, and from 8 a.m. to the Bid Submission Deadline of 10 a.m. on Tuesday, March 15, 2005. If the bids are mailed, please address the envelope containing all of the sealed bids as follows:

Attention: Supervisor, Sales and Support Unit (MS 5422), Leasing Activities Section, MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Contains Sealed Bids for Oil and Gas Lease Sale 194.

Please Deliver to Ms. Jane Burrell Johnson, Room 311, Immediately.

Please note: Bidders mailing their bid(s) are advised to call Ms. Jane Burrell Johnson (504) 736-2811 immediately after putting their bid(s) in the mail.

If the Regional Director receives bids later than the time and date specified above, he will return those bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m. on Tuesday, March 15, 2005. Should an unexpected event such as flooding or travel restrictions be significantly disruptive to bid submission, the MMS Gulf of Mexico Region may extend the Bid Submission Deadline. Bidders may call (504) 736-0557 for information about the possible extension of the Bid Submission Deadline due to such an event.

Areas Offered for Leasing: The MMS is offering for leasing all blocks and partial blocks listed in the document "Blocks Available for Leasing in Central GOM Oil and Gas Lease Sale 194" included in the FNOS 194 Package. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Region Public Information Unit):

Outer Continental Shelf Leasing Maps—Louisiana Map Numbers 1 through 12 (These 30 maps sell for \$2.00 each.)

LA1	West Cameron Area (Revised November 1, 2000).
LA1A	West Cameron Area, West Addition (Revised November 1, 2000).
LA1B	West Cameron Area, South Addition (Revised November 1, 2000).

LA2	East Cameron Area (Revised November 1, 2000).
LA2A	East Cameron Area, South Addition (Revised November 1, 2000).
LA3	Vermilion Area (Revised November 1, 2000).
LA3A	South Marsh Island Area (Revised November 1, 2000).
LA3B	Vermilion Area, South Addition (Revised November 1, 2000).
LA3C	South Marsh Island Area, South Addition (Revised November 1, 2000).
LA3D	South Marsh Island Area, North Addition (Revised November 1, 2000).
LA4	Eugene Island Area (Revised November 1, 2000).
LA4A	Eugene Island Area, South Addition (Revised November 1, 2000).
LA5	Ship Shoal Area (Revised November 1, 2000).
LA5A	Ship Shoal Area, South Addition (Revised November 1, 2000).
LA6	South Timbalier Area (Revised November 1, 2000).
LA6A	South Timbalier Area, South Addition (Revised November 1, 2000).
LA6B	South Pelto Area (Revised November 1, 2000).
LA6C	Bay Marchand Area (Revised November 1, 2000).
LA7	Grand Isle Area (Revised November 1, 2000).
LA7A	Grand Isle Area, South Addition (Revised February 17, 2004).
LA8	West Delta Area (Revised November 1, 2000).
LA8A	West Delta Area, South Addition (Revised November 1, 2000).
LA9	South Pass Area (Revised November 1, 2000).
LA9A	South Pass Area, South and East Addition (Revised November 1, 2000).
LA10	Main Pass Area (Revised November 1, 2000).
LA10A	Main Pass Area, South and East Addition (Revised November 1, 2000).
LA10B	Breton Sound Area (Revised November 1, 2000).
LA11	Chandeleur Area (Revised November 1, 2000).
LA11A	Chandeleur Area, East Addition (Revised November 1, 2000).
LA12	Sabine Pass Area (Revised November 1, 2000).

Outer Continental Shelf Official Protraction Diagrams (These 10 diagrams sell for \$2.00 each.)

NG15-03	Green Canyon (Revised November 1, 2000).
NG15-06	Walker Ridge (Revised November 1, 2000).
NG15-09	Amery Terrace (Revised October 25, 2000).
NG16-01	Atwater Valley (Revised November 1, 2000).
NG16-04	Lund (Revised November 1, 2000).
NG16-07	Lund South (Revised November 1, 2000).
NH15-12	Ewing Bank (Revised November 1, 2000).
NH16-04	Mobile (Revised November 1, 2000).
NH16-07	Viosca Knoll (Revised November 1, 2000).
NH16-10	Mississippi Canyon (Revised November 1, 2000).

Please Note: A CD-ROM (in ARC/INFO and Acrobat (pdf) format) containing all of the GOM Leasing Maps and Official Protraction Diagrams, except for those not yet converted to digital format, is available from the MMS Gulf of Mexico Region Public Information Unit for a price of \$15. For the current status of all Central GOM Leasing Maps and Official Protraction Diagrams, please refer to 66 FR 28002 (published May 21, 2001) and 69 FR 23211 (published April 28, 2004). In addition, Supplemental Official OCS Block Diagrams (SOBDs) for these blocks are available for blocks which contain the "U.S. 200 Nautical Mile Limit" line and the "U.S.-Mexico Maritime Boundary" line. These SOBDs are also available from the MMS Gulf of Mexico Region Public Information Unit. For additional information, please call Ms. Tara Montgomery (504) 736-5722.

All blocks are shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this lease sale is shown in the document "List of Blocks Available for Leasing in Lease Sale 194" included in the FNOS 194 Package. Some of these blocks may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. A bid on a block must include all of the available Federal acreage of that block. Also, information on the unleased portions of

such blocks is found in the document "Central Gulf of Mexico Lease Sale 194—Unleased Split Blocks and Available Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease or Deferred" included in the FNOS 194 Package.

Areas Not Available for Leasing: The following whole and partial blocks are not offered for lease in this lease sale:

- Blocks which are beyond the United States Exclusive Economic Zone in the area known as the Northern portion of the Eastern Gap;

Lund South (Area NG16-07)

Blocks: 172 and 173; 213 through 217; 252 through 261; 296 through 305; 349

- Whole and partial blocks which lie within the 1.4 nautical mile buffer zone north of the continental shelf boundary between the United States and Mexico:

Amery Terrace (Area NG15-09)

Whole Blocks: 280 and 281; 318 through 320; 355 through 359

Partial Blocks: 235 through 238; 273 through 279; 309 through 317

Statutes and Regulations: Each lease issued in this lease sale is subject to the OCS Lands Act of August 7, 1953, 67 Stat. 462; 43 U.S.C. 1331 *et seq.*, as

amended (92 Stat. 629), hereinafter called "the Act"; all regulations issued pursuant to the Act and in existence upon the Effective Date of the lease; all regulations issued pursuant to the statute in the future which provide for the prevention of waste and conservation of the natural resources of the OCS and the protection of correlative rights therein; and all other applicable statutes and regulations.

Lease Terms and Conditions: Initial period, extensions of initial period, minimum bonus bid amount, rental rates, royalty rates, minimum royalty, and royalty suspension areas are shown on the map "Lease Terms and Economic Conditions, Lease Sale 194, Final" for leases resulting from this lease sale:

Initial Period: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to less than 800 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Extensions of Initial Period: Extensions may be granted for eligible leases on blocks in water depths less than 400 meters as specified in NTL No. 2000-G22;

Minimum Bonus Bid Amount: A bonus bid will not be considered for

acceptance unless it provides for a cash bonus in the amount of \$25 or more per acre or fraction thereof for blocks in water depths of less than 400 meters or \$37.50 or more per acre or fraction thereof for blocks in water depths of 400 meters or deeper; see "List of Blocks Available for Leasing" contained in the FNOS 194 Package to confirm the exact calculation of the minimum bonus bid amount for each block;

Rental Rates: \$5 per acre or fraction thereof for blocks in water depths of less than 200 meters and \$7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty Rates: 16–2/3 percent royalty rate for blocks in water depths of less than 400 meters and a 12–1/2 percent royalty rate for blocks in water depths of 400 meters or deeper, except during periods of royalty suspension, to be paid monthly on the last day of the month next following the month during which the production is obtained;

Minimum Royalty: After the start of royalty-bearing production: \$5 per acre or fraction thereof per year for blocks in water depths of less than 200 meters and \$7.50 per acre or fraction thereof per year for blocks in water depths of 200 meters or deeper, to be paid at the expiration of each lease year with credit applied for actual royalty paid during the lease year. If actual royalty paid exceeds the minimum royalty requirement, then no minimum royalty payment is due;

Royalty Suspension Areas: Royalty suspension, subject to deep gas price thresholds, will apply to blocks in water depths less than 200 meters where deep gas (typically 15,000 feet or greater subsea) is drilled and commences production before May 3, 2009. In addition, subject to both oil and gas price thresholds, royalty suspension will apply in water depths of 400 meters or deeper. See the map "Lease Terms and Economic Conditions, Lease Sale 194, Final" for specific areas and the "Royalty Suspension Provisions, Lease Sale 194, Final" document contained in the FNOS 194 Package for specific details regarding royalty suspension eligibility, applicable price thresholds and implementation.

Lease Stipulations: One or more of eight lease stipulations apply: (1) Topographic Features; (2) Live Bottoms; (3) Military Areas; (4) Blocks South of Baldwin County, Alabama; (5) Law of the Sea Convention Royalty Payment; (6) Protected Species; (7) Limitation on

Use of Seabed and Water Column in the Vicinity of an Approved Offshore Liquefied Natural Gas (LNG) Deepwater Port Receiving Terminal; and (8) Below Seabed Operations on Mississippi Canyon Block 920. Please see the "Stipulations and Deferred Blocks, Lease Sale 194, Final" map. The texts of the lease stipulations are contained in the document "Lease Stipulations for Oil and Gas Lease Sale 194, Final" included in the FNOS 194 Package.

Information to Lessees: The FNOS 194 Package contains an "Information To Lessees" document which provides detailed information on certain specific issues pertaining to this oil and gas lease sale.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 194, not to be opened until 9 a.m., Wednesday, March 16, 2005." The total amount of the bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document "Bid Form and Envelope" contained in the FNOS 194 Package.

The MMS published in the **Federal Register** a list of restricted joint bidders, which applies to this lease sale, at 69 FR 61402 on October 18, 2004. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Region Adjudication Unit. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must include on the bid form the proportionate interest of each participating bidder, stated as a percentage, using a maximum of five decimal places, e.g., 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including payment of the one-fifth bonus bid amount on all high bids. A statement to this effect must be included on each bid (see the document "Bid Form and Envelope" contained in the FNOS 194 Package).

Rounding: The following procedure must be used to calculate the minimum bonus bid, annual rental, and minimum royalty: Round up to the next whole

dollar amount if the calculation results in a decimal figure (see next paragraph).

Please note: The minimum bonus bid calculation, including all rounding, is shown in the document "List of Blocks Available for Leasing in Lease Sale 194" included in the FNOS 194 Package.

Bonus Bid Deposit: Each bidder submitting an apparent high bid must submit a bonus bid deposit to the MMS equal to one-fifth of the bonus bid amount for each such bid. Under the authority granted by 30 CFR 256.46(b), the MMS requires bidders to use electronic funds transfer procedures for payment of one-fifth bonus bid deposits for Lease Sale 194, following the detailed instructions contained in the document "Instructions for Making EFT Bonus Payments" included in the FNOS 194 Package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) by 1:00 p.m. Eastern Time the day following bid reading. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States. If a lease is awarded, however, MMS requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

Please note: Certain bid submitters (i.e., those that are NOT currently an OCS mineral lease record title holder or designated operator OR those that have ever defaulted on a one-fifth bonus bid payment (EFT or otherwise)) are required to guarantee (secure) their one-fifth bonus bid payment prior to the submission of bids. For those who must secure the EFT one-fifth bonus bid payment, one of the following options may be used: (1) Provide a third-party guarantee; (2) Amend development bond coverage; (3) Provide a letter of credit; or (4) Provide a lump sum payment in advance via EFT. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated FNOS 194 Package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted which does not conform to the requirements of this

Notice, the Act, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. The Attorney General may also review the results of the lease sale prior to the acceptance of bids and issuance of leases. To ensure that the Government receives a fair return for the conveyance of lease rights for this lease sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of current procedures, "Modifications to the Bid Adequacy Procedures" at 64 FR 37560 on July 12, 1999, can be obtained from the MMS Gulf of Mexico Region Public Information Unit.

Successful Bidders: As required by the MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS-2005 (March 1986) as amended), pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR part 256, subpart I, as amended.

Also, in accordance with regulations at 43 CFR, part 42, subpart C, the lessee shall comply with the U.S. Department of the Interior's nonprocurement debarment and suspension requirements and agrees to communicate this requirement to comply with these regulations to persons with whom the lessee does business as it relates to this lease by including this term as a condition to enter into their contracts and other transactions.

Affirmative Action: The MMS requests that, prior to bidding, Equal Opportunity Affirmative Action Representation Form MMS 2032 (June 1985) and Equal Opportunity Compliance Report Certification Form MMS 2033 (June 1985) be on file in the MMS Gulf of Mexico Region Adjudication Unit. This certification is required by 41 CFR part 60 and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967. In any event, prior to the execution of any lease contract, both forms are required to be on file in the MMS Gulf of Mexico Region Adjudication Unit.

Geophysical Data and Information Statement: Pursuant to 30 CFR 251.12, the MMS has a right to access geophysical data and information collected under a permit in the OCS. Every bidder submitting a bid on a block in Sale 194, or participating as a joint bidder in such a bid, must submit a Geophysical Data and Information Statement identifying any processed or

reprocessed pre- and post-stack depth migrated geophysical data and information in its possession or control and used in the evaluation of that block. The existence, extent (*i.e.*, number of line miles for 2D or number of blocks for 3D) and type of such data and information must be clearly identified. The statement must include the name and phone number of a contact person, and an alternate, knowledgeable about the depth data sets (that were processed or reprocessed to correct for depth) used in evaluating the block. In the event such data and information includes data sets from different timeframes, you should identify only the most recent data set used for block evaluations.

The statement must also identify each block upon which a bidder participated in a bid but for which it does not possess or control such depth data and information.

Every bidder must submit a separate Geophysical Data and Information Statement in a sealed envelope. The envelope should be labeled "Geophysical Data and Information Statement for Oil and Gas Lease Sale 194" and the bidder's name and qualification number must be clearly identified on the outside of the envelope. This statement must be submitted to the MMS at the Gulf of Mexico Regional Office, Attention: Resource Evaluation (1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394) by 10 a.m. on Tuesday, March 15, 2005. The statement may be submitted in conjunction with the bids or separately. Do not include this statement in the same envelope containing a bid. These statements will not be opened until after the public bid reading at Lease Sale 194 and will be kept confidential. An Example of Preferred Format for the Geophysical Data and Information Statement is included in the FNOS 194 Package.

Please refer to NTL No. 2003-G05 for more detail concerning submission of the Geophysical Data and Information Statement, making the data available to the MMS following the lease sale, preferred format, reimbursement for costs, and confidentiality.

Dated: February 3, 2005.

R.M. "Johnnie" Burton,

Director, Minerals Management Service.

[FR Doc. 05-2770 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Eastern Gulf of Mexico (GOM) Oil and Gas Lease Sale 197

AGENCY: Minerals Management Service, Interior.

ACTION: Final notice of sale (FNOS) 197.

SUMMARY: On March 16, 2005, the MMS will open and publicly announce bids received for blocks offered in Eastern GOM Oil and Gas Lease Sale 197, pursuant to the OCS Lands Act (43 U.S.C. 1331-1356, as amended) and the regulations issued thereunder (30 CFR Part 256). The Final Notice of Sale 197 Package (FNOS 197 Package) contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the Package.

DATES: Public bid reading for Eastern GOM Oil and Gas Lease Sale 197 will begin after the public bid reading for Central GOM Oil and Gas Lease Sale 194 which will begin at 9 a.m., Wednesday, March 16, 2005, in the Hyatt Regency Conference Center (Cabildo Rooms), 500 Poydras Plaza, New Orleans, Louisiana. All times referred to in this document are local New Orleans times, unless otherwise specified.

ADDRESSES: Bidders can obtain a FNOS 197 Package containing this Notice of Sale and several supporting and essential documents referenced herein from the MMS Gulf of Mexico Region Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, (504) 736-2519 or (800) 200-GULF, or via the MMS Internet Web site at <http://www.mms.gov>.

Filing of Bids: Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, between 8 a.m. and 4 p.m. on normal working days, and from 8 a.m. to the Bid Submission Deadline of 10 a.m. on Tuesday, March 15, 2005. If the bids are mailed, please address the envelope containing all of the sealed bids as follows:

Attention: Supervisor, Sales and Support Unit (MS 5422), Leasing Activities Section, MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Contains Sealed Bids for Oil and Gas Lease Sale 197, *Please Deliver to Ms. Jane Burrell Johnson, Room 311, Immediately.*

Please note: Bidders mailing their bid(s) are advised to call Ms. Jane Burrell Johnson

(504) 736-2811 immediately after putting their bid(s) in the mail.

If the RD receives bids later than the time and date specified above, he will return those bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m. on Tuesday, March 15, 2005. Should an unexpected event such as flooding or travel restrictions be significantly

disruptive to bid submission, the MMS Gulf of Mexico Region may extend the Bid Submission Deadline. Bidders may call (504) 736-0557 for information about the possible extension of the Bid Submission Deadline due to such an event.

Areas Offered for Leasing: The MMS is offering for leasing all of the unleased whole blocks located within the portion of the Eastern GOM Planning Area that is west of 87 degrees 30 minutes West

Longitude and which range from 100 to 196 miles south of Alabama, and from about 70 to 148 miles offshore Louisiana. Please see the map included in the FNOS 197 Package: "Lease Terms, Economic Conditions, and Stipulations, Sale 197, Final." All of these blocks are shown on the following Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Region Public Information Unit):

Outer Continental Shelf Official Protraction Diagrams (These diagrams sell for \$2.00 each.)

NG16-02 Lloyd Ridge (revised November 1, 2000).

NH16-11 De Soto Canyon (revised November 1, 2000).

Please Note: A CD-ROM (in ARC/INFO and Acrobat (pdf) format) containing all of the GOM Leasing Maps and Official Protraction Diagrams, except for those not yet converted to digital format, is available from the MMS Gulf of Mexico Region Public Information Unit for a price of \$15. For additional information, please call Ms. Tara Montgomery (504) 736-5722.

All blocks are shown on these two Official Protraction Diagrams. The available Federal acreage of all blocks in this lease sale is shown in the document "List of Blocks Available for Leasing in Sale 197" included in the FNOS 197 Package. A bid on a block must include all of the available Federal acreage of that block.

Areas Not Available for Leasing: The following whole blocks located within the sale area are currently leased and are therefore not available for bid in this lease sale:

De Soto Canyon Blocks 133, 134, 135, 136, 137, 177, 178, 179, 180, 181, 182, 223, 224, 225, 226, 267, 268, 269, 270, 309, 311, 313, 314, 353, 354, 397, 398, 401, 402, 443, 445, 446, 447, 485, 486, 487, 488, 489, 490, 491, 529, 530, 534, 535, 573, 574, 576, 577, 578, 617, 618, 619, 620, 621, 622, 623, 624, 662, 663, 664, 665, 666, 668, 706, 707, 709, 710, 751, 793, 794, 796, 798, 837, 838, 840, 842, 843, 883, 887, 927, 929, 932, 970, 971, 972, 975, 976.

Lloyd Ridge Blocks 1, 2, 5, 6, 7, 45, 46, 47, 48, 49, 50, 51, 52, 91, 94, 95, 96, 133, 134, 135, 136, 137, 139, 140, 177, 183, 221, 265, 267, 268, 309, 315, 316, 354, 355, 359, 360, 399, 400, 401, 402, 443, 444, 445, 446.

Statutes and Regulations: Each lease issued in this lease sale is subject to the OCS Lands Act of August 7, 1953, 67 Stat. 462; 43 U.S.C. 1331 *et seq.*, as amended (92 Stat. 629), hereinafter called "the Act"; all regulations issued pursuant to the Act and in existence upon the Effective Date of the lease; all regulations issued pursuant to the statute in the future which provide for the prevention of waste and

conservation of the natural resources of the OCS and the protection of correlative rights therein; and all other applicable statutes and regulations.

Lease Terms and Conditions: Initial period, minimum bonus bid amount, rental rates, royalty rates, minimum royalty, and royalty suspension area are shown on the map "Lease Terms, Economic Conditions, and Stipulations, Lease Sale 197, Final" for leases resulting from this lease sale:

Initial Period: 10 years;

Minimum Bonus Bid Amount: A bonus bid will not be considered for acceptance unless it provides for a cash bonus in the amount of \$37.50 or more per acre or fraction thereof; see "List of Blocks Available for Leasing" contained in the FNOS 197 Package to confirm the exact calculation of the minimum bonus bid amount for each block;

Rental Rates: \$7.50 per acre or fraction thereof, to be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas, then at the expiration of each lease year until the start of royalty-bearing production;

Royalty Rates: 12 1/2 percent royalty rate, except during periods of royalty suspension, to be paid monthly on the last day of the month next following the month during which the production is obtained;

Minimum Royalty: After the start of royalty-bearing production: \$7.50 per acre or fraction thereof per year, to be paid at the expiration of each lease year with credit applied for actual royalty paid during the lease year. If actual royalty paid exceeds the minimum royalty requirement, then no minimum royalty payment is due;

Royalty Suspension Area: Royalty suspension of 12 million barrels of oil equivalent, subject to both oil and gas price thresholds, will apply to all leases in this lease sale. Please see the map "Lease Terms, Economic Conditions, and Stipulations, Lease Sale 197, Final"

for specific details regarding royalty suspension eligibility, applicable price thresholds, and implementation.

Lease Stipulations: Four lease stipulations apply: (1) Military Areas; (2) Evacuation; (3) Coordination; and (4) Protected Species. Please refer to the map, "Lease Terms, Economic Conditions, and Stipulations, Lease Sale 197, Final" in the FNOS 197 Package. The texts of the lease stipulations are contained in the document "Lease Stipulations for Oil and Gas Lease Sale 197, Final" included in the FNOS 197 Package.

Information To Lessees: The FNOS 197 Package contains an "Information To Lessees" document which provides detailed information on certain specific issues pertaining to this oil and gas lease sale.

Method of Bidding: For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 197, not to be opened until 9 a.m., Wednesday, March 16, 2005." The total amount of the bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document "Bid Form and Envelope" contained in the FNOS 197 Package.

The MMS published in the **Federal Register** a list of restricted joint bidders, which applies to this lease sale, at 69 FR 61402 on October 18, 2004. Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Region Adjudication Unit. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must include on the bid form the proportionate interest of each participating bidder, stated as a percentage, using a maximum of five decimal places, e.g., 33.33333 percent.

The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including payment of the one-fifth bonus bid amount on all high bids. A statement to this effect must be included on each bid (see the document "Bid Form and Envelope" contained in the FNOS 197 Package).

Rounding: The following procedure must be used to calculate the minimum bonus bid, annual rental, and minimum royalty: Round up to the next whole dollar amount if the calculation results in a decimal figure (see next paragraph).

Please note: The minimum bonus bid calculation, including all rounding, is shown in the document "List of Blocks Available for Leasing in Lease Sale 197" included in the FNOS 197 Package.

Bonus Bid Deposit: Each bidder submitting an apparent high bid must submit a bonus bid deposit to the MMS equal to one-fifth of the bonus bid amount for each such bid. Under the authority granted by 30 CFR 256.46(b), the MMS requires bidders to use electronic funds transfer procedures for payment of one-fifth bonus bid deposits for Lease Sale 197, following the detailed instructions contained in the document "Instructions for Making EFT Bonus Payments" included in the FNOS 197 Package. All payments must be electronically deposited into an interest-bearing account in the U.S. Treasury (account specified in the EFT instructions) by 1 p.m. eastern time the day following bid reading. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States. If a lease is awarded, however, MMS requests that only one transaction be used for payment of the four-fifths bonus bid amount and the first year's rental.

Please note: Certain bid submitters (*i.e.*, those that are NOT currently an OCS mineral lease record title holder or designated operator OR those that have ever defaulted on a one-fifth bonus bid payment (EFT or otherwise)) are required to guarantee (secure) their one-fifth bonus bid payment prior to the submission of bids. For those who must secure the EFT one-fifth bonus bid payment, one of the following options may be used:

(1) Provide a third-party guarantee; (2) Amend development bond coverage; (3) Provide a letter of credit; or (4) Provide a lump sum payment in advance via EFT. The EFT instructions specify the requirements for each option.

Withdrawal of Blocks: The United States reserves the right to withdraw any block from this lease sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids: The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated FNOS 197 Package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted which does not conform to the requirements of this Notice, the Act, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. The Attorney General may also review the results of the lease sale prior to the acceptance of bids and issuance of leases. To ensure that the Government receives a fair return for the conveyance of lease rights for this lease sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of current procedures, "Modifications to the Bid Adequacy Procedures" at 64 FR 37560 on July 12, 1999, can be obtained from the MMS Gulf of Mexico Region Public Information Unit.

Successful Bidders: As required by the MMS, each company that has been awarded a lease must execute all copies of the lease (Form MMS-2005 (March 1986) as amended), pay by EFT the balance of the bonus bid amount and the first year's rental for each lease issued in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended.

Also, in accordance with regulations at 43 CFR, part 42, subpart C, the lessee shall comply with the U.S. Department of the Interior's nonprocurement debarment and suspension requirements and agrees to communicate this requirement to comply with these regulations to persons with whom the lessee does business as it relates to this lease by including this term as a condition to enter into their contracts and other transactions.

Affirmative Action: The MMS requests that, prior to bidding, Equal Opportunity Affirmative Action Representation Form MMS 2032 (June 1985) and Equal Opportunity Compliance Report Certification Form MMS 2033 (June 1985) be on file in the MMS Gulf of Mexico Region

Adjudication Unit. This certification is required by 41 CFR 60 and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967. In any event, prior to the execution of any lease contract, both forms are required to be on file in the MMS Gulf of Mexico Region Adjudication Unit.

Geophysical Data and Information Statement: Pursuant to 30 CFR 251.12, the MMS has a right to access geophysical data and information collected under a permit in the OCS. Every bidder submitting a bid on a block in Sale 197, or participating as a joint bidder in such a bid, must submit a Geophysical Data and Information Statement identifying any processed or reprocessed pre- and post-stack depth migrated geophysical data and information in its possession or control and used in the evaluation of that block. The existence, extent (*i.e.*, number of line miles for 2D or number of blocks for 3D) and type of such data and information must be clearly identified. The statement must include the name and phone number of a contact person, and an alternate, knowledgeable about the depth data sets (that were processed or reprocessed to correct for depth) used in evaluating the block. In the event such data and information includes data sets from different timeframes, you should identify only the most recent data set used for block evaluations.

The statement must also identify each block upon which a bidder participated in a bid but for which it does not possess or control such depth data and information.

Every bidder must submit a separate Geophysical Data and Information Statement in a sealed envelope. The envelope should be labeled "Geophysical Data and Information Statement for Oil and Gas Lease Sale 197" and the bidder's name and qualification number must be clearly identified on the outside of the envelope. This statement must be submitted to the MMS at the Gulf of Mexico Regional Office, Attention: Resource Evaluation (1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394) by 10 a.m. on Tuesday, March 15, 2005. The statement may be submitted in conjunction with the bids or separately. Do not include this statement in the same envelope containing a bid. These statements will not be opened until after the public bid reading at Lease Sale 197 and will be kept confidential. An Example of Preferred Format for the Geophysical Data and Information Statement is included in the FNOS 197 Package.

Please refer to NTL No. 2003-G05 for more detail concerning submission of the Geophysical Data and Information Statement, making the data available to the MMS following the lease sale, preferred format, reimbursement for costs, and confidentiality.

Dated: February 3, 2005.

R.M. "Johnnie" Burton,

Director, Minerals Management Service.

[FR Doc. 05-2771 Filed 2-10-05; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed consent decree in *United States v. Port of Tacoma, Occidental Chemical Corporation, Mariana Properties, Inc., and Pioneer Americas, LLC*, Civil Action No. 3:05-CV-05103 FDB was lodged on February 8, 2005 with the United States District Court for the Western District of Washington. This consent decree requires the defendants to perform injunctive relief, requiring the cleanup of the Head of the Hylebos Waterway Problem Area of the Commencement Bay/Nearshore Tidelands Superfund Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Atofina Chemicals, Inc., and General Metals of Tacoma, Inc.*, DOJ Ref. 90-11-2-726/2.

The proposed consent decree may be examined at the office of the United States Attorney, 601 Union Street, Suite 5100, Seattle, WA 98101 and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. During the comment period, the consent decree may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the consent decree also may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax No. (202) 514-0097. phone confirmation

number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$43.00 (with attachments) or \$24.25 (without attachments) for *United States v. Port of Tacoma, Occidental Chemical Corporation, Mariana Properties, Inc., and Pioneer Americas, LLC*, (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section.

[FR Doc. 05-2724 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Active Fuel and Emission Control Teaming Agreement Under Award No. 70NANB4H3038

Notice is hereby given that, on January 12, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Active Fuel and Emission Control Teaming Agreement under Award No. 70NANB4H3038 ("ATV JV") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to the venture are: Glennan Microsystems Inc., Cleveland, OH; Case Western Reserve University, Cleveland, OH; ZIN, Inc., Brook Park, OH; and Delavan Inc., a wholly owned subsidiary of Goodrich Corporation d/b/a Turbine Fuel Technologies, West Des Moines, IA. The general area of the ATV JV's planned activity is to develop an Active Fuel and Emission Control Technology Demonstrator for gas turbine engines based on Silicon Carbide microsystems technology that will greatly reduce polluting emissions while extending engine life and preserving fuel efficiency. The activities of this joint venture will be partially funded by an award from the Advanced Technology Program, National Institute of Standards

and Technology, U.S. Department of Commerce.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2733 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—American Industrial Hygiene Association

Notice is hereby given that, on September 17, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), American Industrial Hygiene Association ("AIHA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: American Industrial Hygiene Association, Fairfax, VA. The nature and scope of AIHA's standards development activities are: development of standards for the design, operation, and maintenance of equipment to provide a safe atmosphere in industrial, manufacturing, or construction operations by removing harmful substances by either local exhaust or general ventilation and safely disposing of such substances, and such supplementary standards on personal protection as may be necessary to prescribe methods for the protection of workers. AIHA also develops a standard of management principles and systems to help organizations design and implement deliberate and documented approaches to continuously improve their occupational health and safety (OHS) performance. This standard will enable organizations to integrate OHS management into their overall business management systems, focusing on principles that are broadly applicable to organizations of all sizes and types, not on detailed specifications. The standard will be compatible with relevant OHS,

environmental and quality management standards, and with approaches to OHS management in common use in the U.S. AIHA also develops safe practices and requirements for using respirators for the protection of the respiratory system from the inhalation of particulate matter, oxygen deficiencies, noxious gases and vapors. AIHA also develops programs, practices, procedures and equipment related to industrial respiratory protection.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2727 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—American Society of Mechanical Engineers

Notice is hereby given that, on December 21, 2004, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), American Society of Mechanical Engineers ("ASME") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, since September 15, 2004, ASME has revised several consensus committee charters; has published several new standards; and has initiated several new standards development projects, all within the general nature and scope of ASME's standards development activities, as specified in its original notification. More detail regarding these changes can be found at <http://www.asme.org/codes>.

On September 15, 2004, ASME filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 13, 2004 (69 FR 60895).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2737 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International—Standards

Notice is hereby given that, on January 21, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), ASTM International—Standards ("ASTM") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM standards activities originating after October 15, 2004, designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at <http://www.astm.org>.

On September 15, 2004, ASTM filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on October 15, 2004. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2005 (70 FR 5482).

For additional information, please contact: Thomas B. O'Brien, Jr., General Counsel, at ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, telephone #610-832-9597, e-mail address tobrien@astm.org.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2726 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Electrical and Electronics Engineers

Notice is hereby given that, on January 14, 2005, pursuant to section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Institute of Electrical and Electronics Engineers ("IEEE") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 22 new standards have been initiated and 13 existing standards have been amended. More detail regarding these changes can be found at <http://standards.ieee.org/db/status/index.shtml>.

On September 17, 2004, IEEE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 3, 2004 (69 FR 64105).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2735 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interactive Advertising Bureau

Notice is hereby given that, on January 4, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4310 *et seq.* ("the Act"), Interactive Advertising Bureau ("IAB") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, IAB has recently completed the development of standards for: (1) Ad Measurement Guidelines Version 2.0; (2) Pop-Up Guidelines/Best Practices; and (3) Rich Media Guidelines Over-the-Page Units. IAB is currently developing standards for Click-Thru Measurement.

On September 17, 2004, IAB filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal**

Register pursuant to section 6(b) of the Act on October 21, 2004 (69 FR 61868).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2734 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—North American Laminate Flooring Association

Notice is hereby given that, on January 7, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), North American Laminate Flooring Association ("NALFA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) The name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the name and principal place of business of the standards development organization is: North American Laminate Flooring Association, Washington, DC. The nature and scope of NALFA's standards development activities are: to provide minimum performance requirements for residential and commercial use laminate flooring using standard test methods. Such performance requirements include but are not limited to, static load, thickness, swell, impact resistance, light resistance, cleanability/stain resistance, wear resistance, dimensional tolerances and castor chair resistance. The requirement of this standard applies to laminate flooring upon manufacturer's completion and proper storage until first placed into service.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2738 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Semiconductor Test Consortium, Inc.

Notice is hereby given that, on January 12, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Semiconductor Test Consortium, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Genesis Technology, Inc., Hygo, JAPAN; and LOA Technology, Southborough, MA have been added as parties to this venture. Also, Stargen, Marlborough, MA has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Semiconductor Test Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On May 27, 2003, Semiconductor Test Consortium, Inc., filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 17, 2003 (68 FR 35913).

The last notification was filed with the Department on October 18, 2004. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 3, 2004 (69 FR 70283).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2736 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Window Covering Manufacturers Association, Inc.

Notice is hereby given that, on September 20, 2004, pursuant to Section 6(a) of the National Cooperative

Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Window Covering Manufacturers Association, Inc. ("WCMA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Window Covering Manufacturers Association, Inc., New York, NY. The nature and scope of ECMA's standards development activities are: developing and maintaining the ANSI/WCMA A100 series of standards covering window covering products including Cellular Shades, Horizontal Blinds, Pleated Shades, Roll-up Blinds, Roller Shades, Roman Shades, Traverse Rods, and Vertical Blinds, as well as ANSI/WCMA A101 series.

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-2728 Filed 2-10-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931,

as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determinations decisions, and modifications and supersede decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of

Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut

CT030001 (Jun. 13, 2003)

CT030003 (Jun. 13, 2003)

CT030004 (Jun. 13, 2003)

Maine

ME030002 (Jun. 13, 2003)

New Jersey

NJ030007 (Jun. 13, 2003)

New York

NY030002 (Jun. 13, 2003)

NY030003 (Jun. 13, 2003)

NY030007 (Jun. 13, 2003)

NY030009 (Jun. 13, 2003)

NY030013 (Jun. 13, 2003)

NY030014 (Jun. 13, 2003)

NY030016 (Jun. 13, 2003)

NY030017 (Jun. 13, 2003)

NY030018 (Jun. 13, 2003)

NY030021 (Jun. 13, 2003)

NY030023 (Jun. 13, 2003)

NY030026 (Jun. 13, 2003)

NY030033 (Jun. 13, 2003)

NY030039 (Jun. 13, 2003)

NY030041 (Jun. 13, 2003)

NY030060 (Jun. 13, 2003)

Volume II

Pennsylvania

PA030004 (Jun. 13, 2003)

PA030005 (Jun. 13, 2003)

PA030006 (Jun. 13, 2003)

PA030026 (Jun. 13, 2003)

PA030031 (Jun. 13, 2003)

PA030042 (Jun. 13, 2003)

West Virginia

WV030005 (Jun. 13, 2003)

WV030010 (Jun. 13, 2003)

Volume III

Georgia

GA030003 (Jun. 13, 2003)

GA030004 (Jun. 13, 2003)

GA030006 (Jun. 13, 2003)

GA030022 (Jun. 13, 2003)

GA030031 (Jun. 13, 2003)

GA030032 (Jun. 13, 2003)

GA030033 (Jun. 13, 2003)

GA030034 (Jun. 13, 2003)

GA030036 (Jun. 13, 2003)

GA030040 (Jun. 13, 2003)

GA030050 (Jun. 13, 2003)

GA030055 (Jun. 13, 2003)

Volume VII

Arizona

AZ030001 (Jun. 13, 2003)

AZ030002 (Jun. 13, 2003)

AZ030005 (Jun. 13, 2003)

AZ030011 (Jun. 13, 2003)

AZ030012 (Jun. 13, 2003)

AZ030016 (Jun. 13, 2003)

AZ030017 (Jun. 13, 2003)

California

CA030001 (Jun. 13, 2003)

CA030002 (Jun. 13, 2003)

CA030004 (Jun. 13, 2003)

CA030009 (Jun. 13, 2003)

CA030019 (Jun. 13, 2003)

CA030023 (Jun. 13, 2003)

CA030025 (Jun. 13, 2003)

CA030028 (Jun. 13, 2003)

CA030029 (Jun. 13, 2003)

CA030030 (Jun. 13, 2003)

CA030031 (Jun. 13, 2003)

CA030032 (Jun. 13, 2003)

CA030033 (Jun. 13, 2003)

CA030035 (Jun. 13, 2003)

CA030036 (Jun. 13, 2003)

CA030037 (Jun. 13, 2003)

Nevada

NV030001 (Jun. 13, 2003)

NV030002 (Jun. 13, 2003)

NV030003 (Jun. 13, 2003)

NV030004 (Jun. 13, 2003)

NV030005 (Jun. 13, 2003)

NV030006 (Jun. 13, 2003)

NV030007 (Jun. 13, 2003)

NV030009 (Jun. 13, 2003)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at <http://www.access.gpo.gov/davisbacon>. They are also available electronically by subscription to the Davis-Bacon Online Service (<http://davisbacon.fedworld.gov>) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help Desk Support, etc. Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six

separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Dated: Signed at Washington, DC, This 3rd day of February 2005.

John Frank,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 05-2437 Filed 2-10-05; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (05-022)]

National Environmental Policy Act; Outrigger Telescopes Project

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of the Final Environmental Impact Statement (FEIS) for the Outrigger Telescopes Project.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and NASA policy and procedures (14 CFR Part 1216 Subpart 1216.3), NASA has prepared and issued a FEIS for the proposed Outrigger Telescopes Project. NASA's Proposed Action and preferred alternative is to fund the Outrigger Telescopes Project at the W.M. Keck Observatory within the Mauna Kea Science Reserve on the summit of Mauna Kea, Island of Hawai'i. The FEIS addresses alternative sites and the environmental and cultural resource impacts that could potentially occur with on-site construction, installation, and operation of four, and possibly up to six, Outrigger Telescopes. The proposed Outrigger Telescopes would be strategically placed around the existing Keck I and Keck II Telescopes, within the current footprint of W.M. Keck Observatory. A reasonable alternative site has been identified on La Palma, Canary Islands, Spain. Sites for a reduced science option have been identified at Mt. Wilson and Mt. Palomar in California.

DATES: NASA will not issue a Record of Decision (ROD) or take final action on the proposed Outrigger Telescopes Project before March 21, 2005, or 30

days from the date of publication in the **Federal Register** of the U.S.

Environmental Protection Agency (EPA) Notice of Availability of the FEIS for the Outrigger Telescopes Project, whichever is later.

ADDRESSES: NASA has sent a hard copy of the FEIS to each library within the Hawai'i State Public Library System and to Regional Libraries. Specific addresses for Hawai'i State and Regional Libraries can be found in the appropriate telephone directory and online at <http://www.librarieshawaii.org/locations/index.htm>. Hard copies of the FEIS are also available for review at certain California State Public Libraries (see **SUPPLEMENTARY INFORMATION**). The FEIS also may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW., Washington, DC 20546-0001;

(b) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109; and

(c) Legislative Reference Bureau, Room 004, State Capitol, Honolulu, HI 96813.

Limited hard copies of the FEIS are available by contacting Dr. Carl B. Pilcher at the address or telephone number indicated below. The FEIS is also available in Acrobat® format at <http://www2.keck.hawaii.edu/> (click on "News and Outreach", then on "Outrigger Telescopes").

FOR FURTHER INFORMATION CONTACT: Dr. Carl B. Pilcher, Program Executive, Universe Division, Suite 3W39; NASA Headquarters; 300 E Street, SW; Washington, DC 20546-0001; telephone 877-283-1977 (toll-free), electronic mail otpei@nasa.gov, or facsimile 202-358-3096.

SUPPLEMENTARY INFORMATION: The Outrigger Telescopes Project is a key element in NASA's Origins Program. The Origins Program addresses two fundamental questions: (1) How do galaxies, stars, and planets form? (*i.e.*, "Where do we come from?"); and (2) Are there planets, aside from ours, that have the conditions necessary to support life? (*i.e.*, "Are we alone?"). The Outrigger Telescopes Project has four scientific objectives that contribute to achieving the goals of the Origins Program:

1. Detect the astrometric signature (*i.e.*, the wobble of a star due to the gravitational influence of an unseen planetary companion) of planets as small as Uranus.
2. Make images of proto-stellar disks (*i.e.*, disks of dust and gas in space believed to be an early stage of star formation) and stellar debris disks (*i.e.*,

clouds of gas or other material remaining after the star is formed).

3. Provide high-resolution information about some faint objects outside our galaxy.

4. Make high-resolution observations of objects within the solar system, including asteroids, comets, and outer planets.

The first of these four objectives can be accomplished by linking the Outrigger Telescopes together as an interferometer. An interferometer combines the light from two or more separate telescopes so that they act as a single large telescope. The last three objectives require that the Outrigger Telescopes be linked as an interferometer to at least one 8-meter (m) (26-feet (ft)) or larger telescope.

NASA proposes to fund the Outrigger Telescopes Project at the W.M. Keck Observatory site located within the Astronomy Precinct in the Mauna Kea Science Reserve on the summit of Mauna Kea, Island of Hawai'i. The W.M. Keck Observatory is the site of the two largest optical telescopes in the world—the twin 10-m (33-ft) Keck I and Keck II. The Outrigger Telescopes Project, if fully implemented as proposed, would consist of up to six 1.8-m (6-ft) telescopes placed strategically around the two existing Keck Telescopes.

The California Association for Research in Astronomy, a non-profit corporation established by the University of California and California Institute of Technology, operates and maintains the W.M. Keck Observatory. The W.M. Keck Observatory site (approximately 2-hectare (ha)(5-acre (ac))) is located within the Astronomy Precinct and is subleased to the California Institute of Technology by the University of Hawai'i. The Astronomy Precinct encompasses approximately 212 ha (525 ac) of the Mauna Kea Science Reserve (4,568 ha (11,288 ac)). The Mauna Kea Science Reserve is leased to the University of Hawai'i by the State of Hawai'i.

Due to present funding constraints, only four Outrigger Telescopes would initially be installed and operated, although the foundations for six would be constructed. It is anticipated that the on-site construction and installation of four of the six Outrigger Telescopes, along with on-site construction of the underground structures for Telescopes 5 and 6, would begin in 2005, with initial operations anticipated in 2007. If funding were to become available, the aboveground construction and installation of Telescopes 5 and 6 would likely begin no earlier than 2007.

In addition to the W.M. Keck Observatory site, alternative sites with

at least one existing 8-m (26-ft) or larger telescope are considered in the FEIS. The Gran Telescopio Canarias site at the Roque de los Muchachos Observatory on La Palma, one of the Canary Islands, Spain meets the criteria to be considered as a reasonable alternative site.

If NASA cannot or decides not to implement the Outrigger Telescopes Project at the W.M. Keck Observatory site or at the reasonable alternative site in the Canary Islands, NASA would consider sites where at least the one objective that does not require a large telescope (*i.e.*, detect the astrometric signature of planets as small as Uranus) can be achieved. Such reduced science sites considered in the FEIS include the Mount Wilson Observatory in Los Angeles County, California and the Mount Palomar Observatory in northern San Diego County, California. The FEIS also addresses the No-Action alternative.

The FEIS analyzes the potential environmental impacts associated with the on-site construction, installation, and operation of the Outrigger Telescopes at the W.M. Keck Observatory site and the Canary Islands site. The potential environmental impacts at the reduced science sites are also evaluated. Environmental issues emphasized include, but are not necessarily limited to, cultural resources, flora and fauna, sewage and hydrology, hazardous materials, and cumulative impacts.

In addition to the locations indicated under **ADDRESSES** above, the FEIS may be reviewed at:

(a) La Canada Flintridge Library, 4545 North Oakwood Avenue, La Canada Flintridge, CA 91011;

(b) Pasadena Central Library, 285 E. Walnut Street, Pasadena, CA 91101;

(c) Altadena Main Library, 600 East Mariposa St., Altadena, CA 91001;

(d) San Diego County Library—Vista Branch, 700 Eucalyptus Avenue, Vista, CA 92084; and

(e) Escondido Public Library, 239 South Kalmia Street, Escondido, CA 92025.

In addition, the FEIS may be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(a) NASA, Ames Research Center, Moffett Field, CA 94035 (650-604-1181);

(b) NASA, Dryden Flight Research Center, Edwards, CA 93523 (661-276-2704);

(c) NASA, Glenn Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216-433-2755);

(d) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301) 286-4721);

(e) NASA, Johnson Space Center, Houston, TX 77058 (281-483-8612);

(f) NASA, Kennedy Space Center, FL 32899 (321-867-9280);

(g) NASA, Langley Research Center, Hampton, VA 23681 (757-864-2497);

(h) NASA, Marshall Space Flight Center, Huntsville, AL 35812 (256-544-1837); and

(i) NASA, John C. Stennis Space Center, MS 39529 (228-688-2164).

Comments on the Draft Environmental Impact Statement were solicited from Federal, State and local agencies, organizations, and members of the general public through: (a) notices published in the **Federal Register**—NASA notice on July 29, 2004 (69 FR 45350) and EPA notice on August 6, 2004 (69 FR 47926); and (b) notices published in general circulation newspapers in Hawai'i and California. Comments received have been addressed in the FEIS.

The ROD will be sent to each of the libraries, governmental agencies, organizations, and persons who are being sent a copy of the FEIS. In addition, when issued the ROD will be available in Acrobat® format at <http://www2.keck.hawaii.edu/>.

Jeffrey E. Sutton,

Assistant Administrator for Infrastructure, Management, and Headquarters Operations.
[FR Doc. 05-2624 Filed 2-8-05; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05-023]

NASA Advisory Council, Space Science Advisory Committee, Earth-Sun System Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: The National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Earth-Sun System Subcommittee.

DATES: Monday, February 28, 2005, 8:30 a.m. to 5:30 p.m., Tuesday, March 1, 2005, 8:30 a.m. to 5:30 p.m., and Wednesday, March 2, 2005, 8:30 a.m. to noon.

ADDRESSES: Inn and Conference Center, University of Maryland, 3501 University Boulevard East, Adelphi, Maryland 20783.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Giles, Science Mission Directorate, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-1762, barbara.giles@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

- Sun-Earth Systems Division Overview and Program Status.
- Exploration Vision, Budget, Priorities.
- Reports from Subcommittees and Management Operations Working Groups.
- Earth Science Roadmap/Strategic Plan.
- Sun-Solar System Connection Roadmap/Strategic Plan.

Attendees will be requested to sign a visitor's register. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: February 7, 2005.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 05-2722 Filed 2-10-05; 8:45 am]

BILLING CODE 7513-13-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

February 3, 2005.

Pursuant to the provisions of the Federal Advisory Committee Act (Public L. 92-463, as amended) notice is hereby given the National Council on the Humanities will meet in Washington, DC on February 24-25, 2005.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on February 24-25, 2005, will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider

information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the session on February 24, 2005 will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion.

9–10:30 a.m.

Education Programs—Room 527
Federal/State Partnership—Room 507
Preservation and Access—Room 415
Public Programs—Room 420
Research Programs—Room 315

(Closed to the Public)

Discussion of specific grant applications and programs before the Council.

10:30 a.m. until Adjourned

Education Programs—Room 527
Federal/State Partnership—Room 507
Preservation and Access—Room 415
Public Programs—Room 420
Research Programs—Room 315

2–3:30 p.m.

Jefferson Lecture—Room 527

The morning session on February 25, 2005 will convene at 9 a.m., in the 1st Floor Council Room M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

A. Minutes of the Previous Meeting

B. Reports

1. Introductory Remarks
2. Staff Report
3. Congressional Report
4. Budget Report
5. Reports on Policy and General Matters
 - a. Education Programs
 - b. Federal/State Partnership
 - c. Preservation and Access
 - d. Public Programs
 - e. Research Programs
 - f. Jefferson Lecture

The remainder of the proposed meeting will be given to the consideration of specific applications and closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Mr.

Daniel Schneider, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

Daniel Schneider,

Advisory Committee Management Officer.

[FR Doc. 05–2679 Filed 2–10–05; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Visa Reform Act

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: In response to the requirement in the H–1B Visa Reform Act of 2004, Public Law 108–447, Division J, Title IV, Subtitle B, Section 429(d), NSF is publishing the list of eligible programs of study that will be included in the scholarship program established by the Act.

Eligible programs of study are the biological science (except medicine and other clinical fields), physical sciences, mathematical sciences, computer and information sciences, the geosciences, and engineering, as well as technology areas associated with the preceding fields.

FOR FURTHER INFORMATION CONTACT:

More information about the National Science Foundation may be found at <http://www.nsf.gov>. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: February 7, 2005.

Duncan E. McBride,

Program Director, National Science Foundation.

[FR Doc. 05–2602 Filed 2–10–05; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF MANAGEMENT AND BUDGET

Acquisition Advisory Panel

AGENCY: Office of Management and Budget Executive Office of the President.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act

(Pub. L. 92–463, as amended), notice is hereby given that the Acquisition Advisory Panel established in accordance with the Services Acquisition Reform Act of 2003 will meet on February 28, 2005 at 9 a.m., eastern time. Location for the meeting will be the Rachel Carson Room in the basement of the Department of Interior, 1849 C Street, NW., Washington, DC 20240. While the meeting is open to the public, building security and limited seating require you to provide your name to the Designated Federal Officer (DFO) (contact information listed below) by Thursday, February 24, 2005. You will need a photo identification to enter the building. The public entrance to the building is the C Street entrance. However, the E Street entrance is reserved for individuals with disabilities requiring an accessible entrance to the building. Please let the DFO know in advance if you will require the accessible entrance. The panel's statutory charter is to review Federal contracting laws, regulations, and government-wide policies, including the use of commercial practices, performance-based contracting, performance of acquisition functions across agency lines of responsibility, and government-wide contracts. Since this meeting will be the first time the panel members discuss substantive procurement-related issues, it is anticipated that a broad range of topics falling under their statutory charter will be discussed. Subgroups or working groups, as referenced in the Panel's Bylaws and operating procedures, may be established to research specific procurement-related areas in order to eventually make a recommendation to the panel. A draft agenda will be available from the DFO, upon request, in advance of the meeting.

SUPPLEMENTARY INFORMATION: The purpose of the panel is to provide independent advice and recommendations to the Office of Federal Procurement Policy and Congress pursuant to Section 1423 of the Services Acquisition Reform Act of 2003. This will be the first substantive meeting of the Panel. No public testimony will be heard at this meeting. However, interested parties are invited to attend the meeting. The public may also submit written public comments of any length to the DFO. Although the Panel accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received by the DFO at least five business days prior to the meeting date so that the comments may be made available to the panel for their

consideration. Written comments should be supplied, electronically if possible, to the DFO at the e-mail address (or for hardcopies, mailing address) noted below. Acceptable electronic formats include Adobe Acrobat, Microsoft Word, Rich Text files in IBM-PC/Windows 98/2000/XP format. Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

Meeting Accommodations

Individuals requiring special accommodation to access the public meeting listed above should contact the DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Requests for additional information or written statements should be directed to Laura Auletta, Designated Federal Officer (DFO), at laura.auletta@gsa.gov or (202) 208-7279, General Services Administration, 1800 F Street, NW., Room 4006, Washington, DC, 20405.

Laura Auletta,

Designated Federal Officer (Executive Director).

[FR Doc. 05-2633 Filed 2-10-05; 8:45 am]

BILLING CODE 3110-01-P

POSTAL RATE COMMISSION

Sunshine Act Meetings

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: Monday, February 14, 2005, at 3 p.m.

PLACE: Commission conference room, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW., Washington, DC 20268-0001, 202-789-6818.

Dated: February 9, 2005.

Steven W. Williams,

Secretary.

[FR Doc. 05-2785 Filed 2-9-05; 11:23 am]

BILLING CODE 7710-FW-M

RAILROAD RETIREMENT BOARD

Proposed Data Collection Available for Public Comment and Recommendations

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of

the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Statement of Authority to Act for Employee; OMB 3220-0034.

Under Section 5(a) of the Railroad Unemployment Insurance Act (RUIA), claims for benefits are to be made in accordance with such regulations as the Railroad Retirement Board (RRB) shall prescribe. The provisions for claiming sickness benefits as provided by Section 2 of the RUIA are prescribed in 20 CFR 335.2. Included in these provisions is the RRB's acceptance of forms executed by someone else on behalf of an employee if the RRB is satisfied that the employee is sick or injured to the extent of being unable to sign forms.

The RRB utilizes Form SI-10, Statement of Authority to Act for Employee, to provide the means for an individual to apply for authority to act on behalf of an incapacitated employee and also to obtain the information necessary to determine that the delegation should be made. Part I of the form is completed by the applicant for the authority and Part II is completed by the employee's doctor. One response is requested of each respondent. Completion is required to obtain benefits.

The RRB proposes no changes to Form SI-10.

The estimated annual respondent burden is as follows:

Form: SI-10.

Estimate of Annual Responses: 400.

Estimated Completion Time: 6 minutes.

Total Burden Hours: 40.

Additional Information or Comments:

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363 or send an e-mail request to Charles.Mierzwa@RRB.GOV. Comments

regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or send an e-mail to Ronald.Hodapp@RRB.GOV. Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer.

[FR Doc. 05-2660 Filed 2-10-05; 8:45 am]

BILLING CODE 7905-01-P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Railroad Service and Compensation Reports/System Access Application.

(2) *Form(s) submitted:* BA-3a, BA-4, BA-4 (Internet), BA-12.

(3) *OMB Number:* 3220-0008.

(4) *Expiration date of current OMB clearance:* 05/31/2005.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Business or other for-profit.

(7) *Estimated annual number of respondents:* 579.

(8) *Total annual responses:* 2,167.

(9) *Total annual reporting hours:* 38,126.

(10) *Collection description:* Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, employers are required to report service and compensation for each employee to update Railroad Retirement Board records for payments of benefits. The collection obtains this information and also information needed to ensure secure system access from employers who voluntarily opt to use the Internet to submit reporting forms to the RRB.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or Charles.Mierzwa@rrb.gov.

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or

Ronald.Hodapp@rrb.gov and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Charles Mierzwa,
Clearance Officer.

[FR Doc. 05-2661 Filed 2-10-05; 8:45 am]

BILLING CODE 7905-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-26749; 812-13160]

Morgan Stanley AIP GP LP, et al.; Notice of Application and Temporary Order

February 4, 2005.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 ("Act").

SUMMARY OF APPLICATION: Applicants have received a temporary order exempting them from section 9(a) of the Act, with respect to an injunction entered against Morgan Stanley & Co. Incorporated ("MS&Co.") on February 4, 2005 by the United States District Court for the District of Columbia (the "Injunction"), until the Commission takes final action on an application for a permanent order. Applicants also have applied for a permanent order.

APPLICANTS: Morgan Stanley AIP GP LP, Morgan Stanley Asset & Investment Trust Management Co., Limited, Morgan Stanley Investment Advisors Inc., Morgan Stanley Investment Management Company, Morgan Stanley Investment Management Inc., Morgan Stanley Investment Management Limited, Van Kampen Advisors Inc., and Van Kampen Asset Management (together, the "Advisers"); MS&Co., Morgan Stanley Distribution, Inc., Morgan Stanley Distributors Inc., Morgan Stanley DW Inc., and Van Kampen Funds Inc. (together, the "Underwriters"); Morgan Stanley Capital Partners III, Inc., Morgan Stanley Global Emerging Markets, Inc., Morgan Stanley Venture Capital III, Inc., MSDW Capital Partners IV, Inc., MSDW OIP Investors, Inc., MSDW Real Estate Special Situations II Manager, L.L.C., MSDW Venture Partners IV, Inc., MSREF II, Inc., MSREF III, Inc., MSREF IV, L.L.C., MSREF V, L.L.C. and MSVP 2002, Inc. (together, "ESC Managers")

and, with the Advisers and Underwriters, the "Applicants").¹

FILING DATES: The application was filed on January 25, 2005 and amended on January 26, 2005. Applicants have agreed to file another amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 1, 2005, and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, c/o Barry Funk, Esq., Morgan Stanley, 1221 Avenue of the Americas, 22nd Floor, New York, NY 10020.

FOR FURTHER INFORMATION, CONTACT: John Yoder, Attorney-Adviser, or Mary Kay Frech, Branch Chief, at 202-942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0102 (telephone 202-942-8090).

Applicants' Representations

1. Each Applicant is a direct or indirect subsidiary of Morgan Stanley, a Delaware corporation. Morgan Stanley is a publicly held global financial services company that, through its subsidiaries and affiliates, provides investment, financing, advisory, insurance, banking and related products and services. MS&Co., a Delaware corporation, is a global financial services firm and is registered as a broker-dealer under the Securities Exchange Act of 1934 (the "Exchange

¹ Applicants request that any relief granted pursuant to the application also apply to any other company of which MS&Co. is or becomes an affiliated person in the future (together with Applicants, "Covered Persons").

Act") and as an investment adviser under the Investment Advisers Act of 1940. MS&Co. serves as principal underwriter for, and the other Applicants serve as investment adviser, subadviser, depositor or principal underwriter for, numerous registered investment companies ("Funds"). The ESC Managers serve as the general partner or investment adviser to certain employees' securities companies operating pursuant to Commission orders (included in the term "Funds").²

2. On February 4, 2005, the United States District Court for the District of Columbia entered the Injunction against MS&Co. in a matter brought by the Commission.³ The Commission alleged in the complaint ("Complaint") that MS&Co. violated Rule 101 of Regulation M under the Exchange Act by attempting to induce certain customers to place orders for shares in the aftermarket for certain initial public offerings ("IPOs") it underwrote during the restricted period of such IPOs. The alleged violations occurred in connection with certain IPOs underwritten by MS&Co. from March 1999 through November 2000. Without admitting or denying any of the allegations in the Complaint, except as to jurisdiction, MS&Co. consented to the entry of the Injunction as well as the payment of a civil penalty of \$40 million.

Applicants' Legal Analysis

1. Section 9(a)(2) of the Act, in relevant part, prohibits a person who has been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of a security from acting, among other things, as an investment adviser or depositor of any registered investment company or a principal underwriter for any registered open-end investment company, registered unit investment trust or registered face-amount certificate company. Section 9(a)(3) of the Act makes the prohibition in section 9(a)(2) applicable to a company, any affiliated person of which has been disqualified under the provisions of section 9(a)(2). Section 2(a)(3) of the Act defines "affiliated person" to include any person directly or indirectly controlling, controlled by, or under

² Morgan Stanley Capital Investors, L.P., Investment Company Act Release Nos. 24340 (Mar. 17, 2000) (notice) and 24389 (Apr. 12, 2000) (order); Morgan Stanley Venture Investors, L.P., Investment Company Act Release Nos. 20206 (Apr. 8, 1994) (notice) and 20276 (May 4, 1994) (order).

³ *Securities and Exchange Commission v. Morgan Stanley & Co. Incorporated*, Final Judgment Against Morgan Stanley & Co. Incorporated, 05:CV 00166 (HHK) (D.D.C., filed February 4, 2005) ("Final Judgment").

common control with, the other person. Applicants state that MS&Co. is an affiliated person of each of the other Applicants within the meaning of section 2(a)(3) of the Act. Applicants state that, as a result of the Injunction, they would be subject to the prohibitions of section 9(a).

2. Section 9(c) of the Act provides that the Commission shall grant an application for exemption from the disqualification provisions of section 9(a) if it is established that these provisions, as applied to Applicants, are unduly or disproportionately severe or that Applicants' conduct has been such as not to make it against the public interest or the protection of investors to grant the application. Applicants have filed an application pursuant to section 9(c) seeking a temporary and permanent order exempting them from the disqualification provisions of section 9(a) of the Act.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants state that the prohibitions of section 9(a) as applied to them would be unduly and disproportionately severe and that the conduct of Applicants has been such as not to make it against the public interest or the protection of investors to grant the exemption from section 9(a).

4. Applicants state that none of their officers or employees who are engaged in the provision of investment advisory, depositor or underwriting services to the Funds participated in any way in the conduct underlying the Injunction. Applicants further state that the conduct underlying the Injunction did not involve any Funds.

5. Applicants state that the inability to continue providing advisory services to the Funds and the inability to continue serving as principal underwriter or depositor to the Funds would result in potentially severe hardships for the Funds and their shareholders. Applicants also state that they have distributed, or will distribute as soon as is reasonably practical, written materials, including an offer to meet in person to discuss the materials, to the boards of directors or trustees of the Funds (the "Boards"), including the directors or trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, of the Funds and their independent legal counsel, as defined in rule 0-1(a)(6) under the Act, if any, regarding the Injunction, any impact on the Funds, and the application.⁴ The Applicants will

provide the Boards with all information concerning the Injunction and the application that is necessary for the Funds to fulfill their disclosure and other obligations under the Federal securities laws.

6. Applicants also assert that, if they were barred from providing services to the Funds, the effect on their businesses and employees would be severe. Applicants state that they have committed substantial resources over more than thirty years to establish an expertise in advising and underwriting Funds. Applicants recently applied for an exemption pursuant to section 9(c) of the Act for conduct relating to certain research analysts' conflicts of interest.⁵ In addition, Dean Witter Reynolds Inc., the predecessor of Morgan Stanley DW Inc., previously sought and received an exemption under section 9(c) of the Act.⁶

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Any temporary exemption granted pursuant to the application shall be without prejudice to, and shall not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly, it is hereby ordered, pursuant to section 9(c) of the Act, that Covered Persons are granted a temporary exemption from the provisions of section 9(a), effective forthwith, solely with respect to the Injunction, subject to the condition in the application, until the date the Commission takes final action on an application for a permanent order.

concerning the Injunction, any impact on the UITs, and the application, and will provide any other related information that may be requested by the trustee.

⁵ Morgan Stanley Investment Advisers Inc., Investment Company Act Release No. 26236 (Oct. 31, 2003) (notice and temporary order).

⁶ Dean Witter Reynolds Inc., Investment Company Act Release Nos. 17887 (Nov. 29, 1990) (notice and temporary order) and 18119 (Apr. 29, 1991) (permanent order).

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E5-577 Filed 2-10-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51137; File No. SR-BSE-2005-06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Its Minor Rule Violation Plan

February 4, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 31, 2005, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Exchange designated its filing as non-controversial pursuant to section 19(b)(3)(A) of the Act³ and Rule 19b-4(f)(6).⁴ Accordingly, the proposed rule change became effective upon filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend its rules related to its Minor Rule Violation Plan ("MRVP"). The text of the proposed rule change is available on BSE's Web site (<http://www.bostonstock.com/legal/index.html>), at BSE's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁴ With respect to Funds that are unit investment trusts ("UITs"), Applicants will provide written notification to the trustee for each of the UITs

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to add a new section to its MRVP which would set forth procedures for a member against whom formal disciplinary action is taken by the Exchange to consent to the charges being levied and waive formal disciplinary hearing. These procedures would be similar to those set forth in NASD Rule 9216, "Acceptance, Waiver, and Consent; Plan Pursuant to SEC Rule 19d-1(c)(2)," and provide that a BSE member may, upon being notified of disciplinary charges by the Exchange's Enforcement Department, execute a written letter which (1) accepts the charges, (2) consents to the imposition of a sanction, and (3) agrees to waive the right to a hearing of appeal to challenge the validity of the letter. In proposing such procedures, the Exchange is seeking to provide its members with an intermediary disciplinary step, short of a formal hearing, which would permit its members to avoid formal proceedings in instances where they accept liability from the outset.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act,⁵ in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating securities transactions, to remove impediments to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received any comments on this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

BSE asserts that the foregoing rule has become effective pursuant to Section 19(b)(3)(A) of the Act⁶ and Rule 19b-4(f)(6) thereunder⁷ because it does not significantly affect the protection of investors or the public interest or impose any significant burden on competition. BSE has requested that the Commission waive the requirement that the rule change not become operative for 30 days after the date of the filing, as set forth in Rule 19b-4(f)(6)(iii).⁸ The Commission finds good cause for the proposed rule change to become operative prior to the 30th day after the date of publication of notice of filing in the *Federal Register*. The Commission notes that the proposed rule is substantially similar to NASD Rule 9216,⁹ which was previously approved by the Commission after notice and comment and, therefore, does not raise any new regulatory issues.¹⁰

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-BSE-2005-06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission,

450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-BSE-2005-06. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of BSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BSE-2005-06 and should be submitted on or before March 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E5-581 Filed 2-10-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51145; File No. SR-PCX-2005-02]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Market Maker Cleanup Order Administrative Change

February 7, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 21, 2005, the Pacific Exchange, Inc.

¹¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁶ 5 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(6).

⁸ 17 CFR 240.19b-4(f)(6)(iii).

⁹ See Securities Exchange Release No. 32383 (May 28, 1993), 58 FR 31768 (June 4, 1993) (SR-NASD-93-6).

¹⁰ Rule 19b-4(f)(6) also requires a self-regulatory organization to give written notice of a proposed rule change filed pursuant to this subsection at least five business days prior to filing. BSE complied with this requirement.

⁵ 15 U.S.C. 78f(b)(5).

("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the PCX. The Exchange filed this proposal pursuant to Section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX, through its wholly-owned subsidiary PCX Equities, Inc. ("PCXE" or "Corporation"), proposes to amend its rules governing the Archipelago Exchange ("ArcaEx"), the equities trading facility of PCXE. With this filing, PCX proposes to delete PCXE Rule 7.23(a)(6) in order to conform to a previous rule change. The text of the proposed rule change is available on the PCX's Web site (www.pacificex.com), at the PCX's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On October 23, 2003, the Exchange filed a rule proposal with the Commission to amend its rules governing Market Maker obligations on ArcaEx.⁵ Specifically, the Exchange proposed to modify PCXE Rule 7.25(b) to eliminate the stipulation that Market Makers must become Odd Lot Dealers in the securities in which they are registered. In addition, the Exchange proposed to modify PCXE Rule 7.34(b)

to eliminate the requirement that Market Makers must maintain one Cleanup Order for all of the securities in which they are registered. The amendment was intended to facilitate additional Market Maker participation on ArcaEx and to further enhance order interaction, provide greater depth in liquidity, and foster price competition. The Commission approved the proposed rule change on February 3, 2004.⁶

At this time, the Exchange proposes to delete PCXE Rule 7.23(a)(6) to conform to the previous rule change, which the Exchange inadvertently failed to delete as part of the filing in October 2003.⁷ PCXE Rule 7.23(a) details the obligations of Market Makers and subsection (6) requires Market Makers to maintain one Cleanup order in each security in which the Market Maker is registered as such for each Market Order Auction. The Exchange proposes to delete this provision as obsolete given the aforementioned rule change that was approved by the Commission.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,⁸ in general, and furthers the objectives of section 6(b)(5),⁹ in particular, because it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments and perfect the mechanisms of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the

protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6) thereunder.¹¹ At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-PCX-2005-02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-PCX-2005-02. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See SR-PCX-2003-59.

⁶ See Securities Exchange Act Release No. 49176 (February 3, 2004), 69 FR 6356 (February 10, 2004) (Order approving SR-PCX-2003-59).

⁷ See *supra* note 5.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PCX-2005-02 and should be submitted on or before March 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E5-582 Filed 2-10-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51144; File No. SR-Phlx-2004-84]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change To Eliminate the Public Order Exposure System Functionality From Phlx Rule 229

February 7, 2005.

On November 26, 2004, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to eliminate the Public Order Exposure System ("POES") functionality from Phlx Rule 229. The proposed rule change was published for comment in the **Federal Register** on December 29, 2004.³ The Commission received no comments on the proposal.

Currently, Phlx Rule 229, Supplementary Material .05, provides that if the PACE⁴ Quote⁵ at the time of

the entry of an order into the system reflects a point spread of more than \$.05, round-lot market orders up to 500 shares and PRL⁶ market orders up to 599 shares will be stopped at the PACE Quote at the time of entry into the system ("Stop Price") and be subject to a delay of up to 30 seconds from being executed in order to receive an opportunity for price improvement. During that time, specialists may, but are not required to, improve the execution price of the order to a price better than the Stop Price. Phlx proposes to amend Phlx Rule 229 to eliminate the POES functionality. As a result, orders that would have been subject to POES will be automatically executed at the PACE quote without a 30-second delay.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.⁷ In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,⁸ which requires that the rules of an exchange be designed, among other things, to promote just and equitable principles of trade, to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Under the proposed rule change, orders that would have been subject to a 30-second delay will now be automatically executed at the PACE quote, thereby improving order turnaround time and reducing the number of manual orders. The Commission notes that specialists will still be able to offer price improvement through the Exchange's Automatic Price Improvement feature, where applicable, and through manual price improvement when certain conditions are met.⁹

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹⁰ that the proposed rule change (File No. SR-Phlx-2004-84) be, and it hereby is, approved.

("ITS/CAES") quote, as appropriate. See Phlx Rule 229.

⁶ PRL means a combined round-lot and odd-lot order. See Phlx Rule 229.

⁷ In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁸ 15 U.S.C. 78f(b)(5).

⁹ See Notice.

¹⁰ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E5-583 Filed 2-10-05; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

[License No. 09/79-0456]

HorizonVentures Fund II, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Horizon Ventures Fund II, L.P., 4 Main Street, Suite 50, Los Altos, CA 94022, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financials which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Horizon Ventures Fund II, L.P. proposes to provide equity/debt security financing to iWatt, Inc.. The financing is contemplated for operating expenses and for general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Horizon Ventures Fund I, L.P. and Horizon Ventures Advisors Fund I, L.P., both Associates of Horizon Ventures Fund II, L.P., own more than ten percent of iWatt, Inc.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: January 11, 2005.

Jaime Guzman-Fournier,
Acting Associate Administrator for Investment.

[FR Doc. 05-2666 Filed 2-10-05; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Region 1—Maine District Advisory Council; Public Meeting

The U.S. Small Business Administration, Maine District Advisory Council, located in the geographical area of Augusta, Maine, will be hosting a public meeting to discuss such matters as may be presented by members, staff

¹¹ 17 CFR 200.30-3(a)(12).

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 50901 (December 21, 2004), 69 FR 78089 ("Notice").

⁴ PACE is the Exchange's automated order routing, delivery, execution and reporting system for equities. See Phlx Rule 229.

⁵ The PACE Quote means the best bid/ask quote among the American, Boston, National, Chicago, New York, or Philadelphia Stock Exchanges; the Pacific Exchange; or the Intermarket Trading System/Computer Assisted Execution System

of the U.S. Small Business Administration, or others present. The meeting will be held on Tuesday, March 22, 2005, starting at 10 a.m. The meeting will take place at the U.S. Small Business Administration, Maine District Office, 68 Sewall Street, Room 510, Augusta, Maine 04330.

Anyone wishing to attend must contact Mary McAleney in writing or by fax. Mary McAleney, District Director, U.S. Small Business Administration, Maine District Office, 68 Sewall Street, Room 512, Augusta, Maine 04330, telephone: (207) 622-8386, fax: (207) 622-8277, e-mail: mary.mcaleney@sba.gov.

Matthew K. Becker,

Committee Management Officer.

[FR Doc. 05-2667 Filed 2-10-05; 8:45 am]

BILLING CODE 8025-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Entry Into Force of Trade Agreement With the Lao People's Democratic Republic and the Grant of Normal Trade Relations Treatment to Products of Laos

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of entry into force of trade agreement.

SUMMARY: On September 18, 2003, the United States and the Lao People's Democratic Republic (Laos) signed a trade agreement obligating reciprocal most-favored-nation treatment between Laos and the United States. The trade agreement entered into force as of February 4, 2005, the effective date of this notice, after which time all products of Laos entered, or withdrawn from warehouse for consumption, shall be granted most-favored-nation treatment by the United States.

DATES: The effective date of this notice is February 4, 2005.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Elena Bryan, Deputy Assistant U.S. Trade Representative for Southeast Asia and the Pacific (202) 395-6813 or Catherine Field, Chief Counsel for Legal Affairs (202) 395-3432.

SUPPLEMENTARY INFORMATION: On December 3, 2004, President Bush signed into law H.R. (Pub. L. No. 108-429), which makes products of Laos eligible for normal trade relations (NTR) treatment by the United States as of the effective date of a notice published in

the Federal Register by the USRT that a trade agreement between the United States and Laos containing reciprocal MFN obligations has entered into force. On September 18, 2003, the United States and Laos signed a bilateral trade agreement containing reciprocal NTR obligations. Through an exchange of written notes of acceptance of the terms of the agreement by the two parties on February 4, 2005, the parties brought the agreement into force. Therefore, pursuant to the terms of Public Law No. 108-429, products of Laos entered, or withdrawn from warehouse for consumption, on or after February 4, 2005, are granted NTR treatment by the United States. Pursuant to the terms of the trade agreement, products of the United States will receive reciprocal NTR treatment by Laos as of the effective date of this notice.

John Veroneau,

General Counsel.

[FR Doc. 05-2723 Filed 2-10-05; 8:45 am]

BILLING CODE 3190-W5-M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34554 (Sub-No. 2)]

Union Pacific Railroad Company— Temporary Trackage Rights Exemption—BNSF Railway Company¹

BNSF Railway Company (BNSF), pursuant to a modified written trackage rights agreement entered into between BNSF and Union Pacific Railroad Company (UP), has agreed to extend the expiration date of the local trackage rights granted to UP² over BNSF's line of railroad extending from BNSF milepost 579.3 near Mill Creek, OK, to BNSF milepost 631.1 near Joe Junction,

¹ Effective January 20, 2005, The Burlington Northern and Santa Fe Railway Company has changed its name to BNSF Railway Company.

² UP submits that the trackage rights being granted here are only temporary rights, but, because they are "local" rather than "overhead" rights, they do not qualify for the Board's new class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8). See *Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights*, STB Ex Parte No. 282 (Sub-No. 20) (STB served May 23, 2003). Therefore, UP and BNSF concurrently have filed a petition for partial revocation of this exemption in STB Finance Docket No. 34554 (Sub-No. 3), *Union Pacific Railroad Company—Temporary Trackage Rights Exemption—BNSF Railway Company*, wherein UP and BNSF request that the Board permit the proposed local trackage rights arrangement described in the present proceeding to expire on or about December 31, 2005. That petition will be addressed by the Board in a separate decision.

TX, a distance of approximately 51 miles.³

The transaction was scheduled to be consummated on February 1, 2005.

The purpose of this transaction is to modify the temporary trackage rights exempted in STB Finance Docket No. 34554 to extend the expiration date to on or before December 31, 2005. The modified trackage rights will permit UP to continue to move loaded and empty ballast trains for use in its maintenance-of-way projects.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34554 (Sub-No. 2) must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert T. Opal, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: February 3, 2005.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 05-2597 Filed 2-10-05; 8:45 am]

BILLING CODE 4915-01-P

³ The original trackage rights granted in *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34554 (STB served Oct. 7, 2004), also extended from BNSF milepost 579.3 near Mill Creek, OK, to BNSF milepost 631.1 near Joe Junction, TX. By decision served November 24, 2004, in STB Finance Docket No. 34554 (Sub-No. 1), the Board granted an exemption to permit the trackage rights granted in STB Finance Docket No. 34554 to expire. At that time, it was anticipated by the parties that the rights would expire on or about December 31, 2004. However, this authority has not yet been exercised.

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Finance Docket No. 34657]****BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company**

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to BNSF Railway Company, f/k/a The Burlington Northern and Santa Fe Railway Company (BNSF), over: (1) A line of railroad between UP's milepost 1.7 at a station known as Tower 30, on UP's Glidden Subdivision and Strang yard, TX, and UP's milepost 21.5 on UP's Strang Subdivision; and (2) portions of a line of railroad between Tower 30 and Strang yard that are owned by the Port of Houston (PHA), maintained by the Port Terminal Railroad Association (PTRA), and jointly operated by PTRA and UP pursuant to UP's contractual arrangements with PHA and PTRA.¹ The line is located in the State of Texas. The total distance of the trackage rights granted to BNSF is approximately 15.6 miles.

The transaction was scheduled to be consummated on February 1, 2005, and operations under this exemption were scheduled to begin on that date. The purpose of the temporary trackage rights is to allow BNSF access to a limited subset of facilities on the Bayport Loop, southeast of Houston, TX, and BNSF's system trackage in the Houston terminal, including, without limitation, access to BNSF's existing rights between Tower 30 and the East and West Belts.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance

Docket No. 34657, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Sarah W. Bailiff, Senior General Attorney, BNSF Railway Company, P.O. Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: February 4, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–2682 Filed 2–10–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS**Privacy Act of 1974; New System of Records**

AGENCY: Department of Veterans Affairs.

ACTION: Notice of new system of records.

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence of and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is adding a new system of records entitled “Purchase Credit Card Program—VA” (131VA047).

DATES: To assure consideration, written comments mailed to the Department as provided below must be postmarked no later than March 14, 2005, and written comments hand delivered to the Department and comments submitted electronically must be received as provided below, no later than 5 p.m. Eastern Time on March 14, 2005. If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the new system of records statement is effective March 14, 2005.

ADDRESSES: Written comments concerning the proposed amended system of records may be submitted by: Mail or hand-delivery to Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or e-mail to “VAregulations@mail.va.gov”. All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8

a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273–9515 for an appointment.

FOR FURTHER INFORMATION CONTACT:

Peter Mulhern, Office of Financial Policy (047GC1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–5570.

SUPPLEMENTARY INFORMATION:**I. Description of the Proposed System of Records**

The General Services Administration has established a governmentwide charge card service. This service is used as a payment mechanism and is designed to provide better financial and cash management controls over the Federal Government's low dollar value procurements. Individual employees are selected by their agencies to obtain and use the Government's purchase card, called SmartPay, to aid in the employee's procurement responsibilities.

An individual employee obtains a credit card by applying to a private contractor, which currently is Citibank. This application is given to the agency Program Coordinator, who serves as the focal point for coordination of applications, issuance and destruction of cards, establishment of reports, and administrative training. This Program Coordinator also serves as a liaison between the agency and Citibank. Prior to obtaining this account, an employee receives a delegation of authority from his/her agency, which indicates the maximum dollar amount for each single purchase made and a dollar limit for total purchases made with the credit card in a given month. At the close of each billing cycle, each employee receives a “Statement of Account” from Citibank that itemizes each transaction.

In order to successfully participate in the SmartPay purchase card program, VA must maintain certain records on the employees who have obtained a credit card. This information includes name, address, social security number, employment information, telephone numbers, information needed for identification verification, charge card applications, charge card statements, terms and conditions for use of the charge card, and monthly report from contractor(s) showing charges to individual account numbers, balances and other types of account analysis. This information is retrievable by the employee's name. Consequently, a Privacy Act system of records must be established in order to protect this information.

¹ A redacted version of the trackage rights agreement between BNSF and UP was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was filed under seal along with a motion for protective order on January 28, 2005. A protective order is being served on February 4, 2005.

II. Proposed Routine Use Disclosures of Data in the System

VA is proposing to establish the following routine use disclosures of the information that will be maintained in the system.

1. The record of an individual who is covered by this system may be disclosed to a Member of Congress, or a staff person acting for the member, when the member or staff person requests the record on behalf of and at the written request of the individual.

Individuals sometimes request the help of a Member of Congress in resolving some issue relating to a matter before VA. The Member of Congress then writes VA, and VA must be able to give sufficient information to be responsive to the inquiry.

2. Disclosure may be made to the National Archives and Records Administration (NARA) in records management inspections conducted under authority of Title 44 U.S.C.

NARA is responsible for archiving old records no longer actively used, but which may be appropriate for preservation. NARA is responsible in general for the maintenance of the Federal Government's records. VA must be able to turn records over to NARA in order to determine the proper disposition of such records.

3. Records from this system of records may be disclosed to the Department of Justice (DOJ) (including U.S. Attorneys) or in a proceeding before a court, adjudicative body, or other administrative body when litigation or the adjudicative or administrative process is likely to affect VA, the employees or any of its components, or when VA, its employees, or any of its components is a party to the litigation or process, or has an interest in the litigation or process, and the use of such records is deemed by VA to be relevant and necessary to the litigation or process, provided that the disclosure is compatible with the purpose for which the records were collected.

Whenever VA is involved in litigation or an adjudicative or administrative process, or occasionally when another party is involved in litigation or an adjudicative or administrative process, and VA policies or operations could be affected by the outcome of the litigation or process, VA would be able to disclose information to the court, the adjudicative or administrative bodies, or the parties involved. A determination would be made in each instance that, under the circumstances involved, the purpose served by the use of the information in the particular litigation

or process is compatible with a purpose for which VA collects the information.

4. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

VA must be able to provide information to contractors and subcontractors with whom VA has a contract or agreement in order to perform the services of the contract or agreement.

5. VA may disclose on its own initiative any information in this system that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule, or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order.

VA must be able to comply with the requirements of agencies charged with enforcing the law and investigations of violations or possible violations of law. VA must also be able to provide information to Federal, State, local, tribal and foreign agencies charged with protecting the public health as set forth in law.

6. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

Abuse of Federal programs costs the Federal Government and taxpayers large sums of money every year. Information contained in VA records may help detect and/or prevent fraud and abuse of other agency programs. VA must be able to assist other Federal agencies in their efforts to detect and prevent fraud and abuse in their programs.

7. Any information in this system may be disclosed, other than to consumer reporting agencies, in connection with any proceeding for the collection of an amount owed VA as the result of an employee's unauthorized use of a purchase card when such disclosure is deemed necessary and proper.

Sometimes an employee uses the purchase card to obtain unauthorized items. If VA pays for such purchases, VA will seek reimbursement from the employee. If the employee does not

voluntarily reimburse VA for the unauthorized purchases, VA will pursue collection through procedures set forth in 31 U.S.C., chapter 37, subchapters I and II, 31 CFR parts 900–904, and VA regulations 38 CFR 1.900–1.954, as well as through Federal salary offset under 5 U.S.C. 5514 and VA regulations 38 CFR 1.980–1.994.

8. Routine uses 8 and 9 are added to this new system of records to authorize release of information to the Department of the Treasury, the Department of Justice, other Federal agencies, and private collection agencies for debt collection purposes.

In accordance with the Debt Collection Improvement Act of 1996 (DCIA) (Public Law 104–134, April 26, 1996), VA and other Federal agencies must now notify the Department of the Treasury of all delinquent debts over 180 days old so that Treasury can collect these debts through administrative offset from Federal payments, including tax refunds and salary payments. VA and other Federal agencies are also required to refer delinquent debts over 180 days old to the Department of the Treasury so that Treasury may attempt to collect, compromise, or terminate these debts. Treasury may also refer these debts to other designated Federal debt collection centers, to the Department of Justice for litigation, or to private collection agencies.

9. Records from the system of records may be disclosed to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

As noted above, sometimes an employee uses the purchase card to obtain unauthorized items. In addition to debt collection procedures, the employee may face disciplinary action for such unauthorized use of the card. As a result, the employee may seek representation or guidance from recognized labor organizations and VA must be able to provide information to labor organizations to enable them to provide adequate representation and guidance under these circumstances.

10. The name and address of an employee, and other information as is reasonably necessary to identify such employee, may be disclosed to a consumer reporting agency for the purpose of locating the employee or, obtaining a consumer report to determine the ability of the employee to repay an indebtedness to VA arising by virtue of the unauthorized use of a purchase credit card, provided that the

requirements of 31 U.S.C. 3711(e) have been met.

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 31 U.S.C. 3701(a)(3). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security number), the amount, status and history of the claim, and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report. Title 31 U.S.C. 3711(d) governs the release of names and addresses of any person to consumer reporting agencies under certain circumstances.

III. Compatibility of the Proposed Routine Use Disclosures

The Privacy Act permits VA to disclose information about individuals without their consent for a routine use when the information will be used for a purpose that is compatible with the purpose for which VA collected the information. In all of the routine use disclosures described above, the recipient of the information will use the information either in connection with a matter relating to one of VA's programs, or will use the information to provide a benefit to VA, or will disclose as required by law.

The "notice of intent to publish" and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB on December 12, 2000 (65FR77677).

Approved: January 26, 2005.

Anthony J. Principi,
Secretary of Veterans Affairs.

SYSTEM NAME:

Purchase Credit Card Program-Va (131VA047).

SYSTEM LOCATION:

This system of records is located in the finance/fiscal office of the local installation of the Department, the Financial Services Center, Austin, TX, as well as VA Central Office, Washington, DC. Records necessary for the contractor to perform under the contract are located at the contractor's facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system are current VA employees who have their own Government assigned charge card, or who have had a charge card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include name, work and home addresses, social security number, date of birth, employment information, work and home telephone numbers, information needed for identification verification, charge card applications, charge card statements, terms and conditions for use of the charge card, and monthly report from contractor(s) showing charges to individual account numbers, balances, and other types of account analysis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Acquisition Regulation (FAR), part 13, 48 CFR part 13, and Public Law 93-579, section 7(b).

PURPOSE(S):

To establish and maintain a system for operating, controlling, and managing the purchase card program involving commercial purchases by authorized VA employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

System information may be accessed and used by authorized VA employees or contractors to conduct duties associated with the management and operation of the purchase card program.

Information from this system also may be disclosed as a routine use for the following purposes:

1. The record of an individual who is covered by this system may be disclosed to a Member of Congress, or a staff person acting for the member, when the member or staff person requests the record on behalf of and at the written request of the individual.

2. Disclosure may be made to the National Archives and Records Administration (NARA) in records management inspections conducted under authority of Title 44 U.S.C.

3. Records from this system of records may be disclosed to the Department of Justice (DOJ) (including U.S. Attorneys) or in a proceeding before a court, adjudicative body, or other administrative body when litigation or the adjudicative or administrative process is likely to affect VA, its employees or any of its components, or when VA, its employees, or any of its components is a party to the litigation or process, or has an interest in the litigation or process, and the use of such records is deemed by VA to be relevant

and necessary to the litigation or process, provided that the disclosure is compatible with the purpose for which the records were collected.

4. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

5. VA may disclose on its own initiative any information in this system that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule, or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order.

6. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

7. Any information in this system of records may be disclosed, other than to consumer reporting agencies, in connection with any proceeding for the collection of an amount owed VA as the result of an employee's unauthorized use of a purchase card when such disclosure is deemed necessary and proper.

8. Any information in this system of records concerning a delinquent debt may be disclosed to the Secretary of the Treasury, or to any designated Government disbursing official, for the purpose of conducting administrative offset of any eligible Federal payments under the authority set forth in 31 U.S.C. 3716. Tax refund and Federal salary payments may be included in those Federal payments eligible for administrative offset.

9. Any information in this system of records concerning a delinquent debt may be disclosed to the Secretary of the Treasury for appropriate collection or termination action, including the transfer of the indebtedness for collection or termination, in accordance with 31 U.S.C. 3711(g)(4), to a debt collection center designated by the Secretary of the Treasury, to a private collection agency, or to the Department of Justice. The Secretary of the Treasury, through the Department of the Treasury, a designated debt collection center, a

private collection agency, or the Department of Justice may take appropriate action on a debt in accordance with the existing laws under which the debt arose.

10. Records from this system of records may be disclosed to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 31 U.S.C. 3701(a)(3). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security number), the amount, status and history of the claim, and limited to the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report. Title 31 U.S.C. 3711(e) governs the release of names and addresses of any person to

consumer reporting agencies under certain circumstances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and electronic storage media.

RETRIEVABILITY:

These records may be retrieved using various combinations of name or identification number (credit card number) of the individual on whom the records are maintained.

SAFEGUARDS:

Access to these records is restricted to authorized VA employees, contractors, or subcontractors on a "need to know" basis. Offices where these records are maintained are locked after working hours and are protected from outside access by the Federal Protective Service, other security officers, and alarm systems. Access to computerized records is restricted to authorized VA employees, contractors, or subcontractors by means of unique user identification and passwords.

RETENTION AND DISPOSAL:

In accordance with General Records Schedule 6, Item 1a(2), retain in inactive storage 1 year after the close of the fiscal

year, then transfer to a Federal Archives and Records Center, Destroy 6 years and 3 months after period covered by account.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Secretary for Finance (047), VA Central Office, Washington, DC 20420.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence of a record pertaining to them must submit a written request to the VA station where the records are maintained. Such requests must contain a reasonable description of the records requested. In addition, identification of the individual requesting the information will be required in the written request and will consist of the requester's name, signature, and address, as a minimum.

RECORD ACCESS PROCEDURE:

(See Notification procedure above.)

CONTESTING RECORD PROCEDURE:

(See Notification procedure above.)

RECORD SOURCE CATEGORIES:

Information received from individuals and the private card contractor.

[FR Doc. 05-2676 Filed 2-10-05; 8:45 am]

BILLING CODE 8320-01-M



Federal Register

**Friday,
February 11, 2005**

Part II

Department of Housing and Urban Development

**Federal Property Suitable as Facilities To
Assist the Homeless; Notice**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**[Docket No. FR-4980-N-06]****Federal Property Suitable as Facilities To Assist the Homeless**

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1234; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2004 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2004, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers

interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Audrey C. Ormerod, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM-MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310-0600; (703) 692-9223; Corps of Engineers: Shirley Middleswarth, Army Corps of Engineers, Civil Division, Directorate of Real Estate, 441 G Street, Washington, DC 20314-1000; (202) 761-7425; U.S. Navy: Charles C. Cocks, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374-5065; (202) 685-9200; U.S. Air Force: Kathryn M. Halvorson, Air Force Real Property Agency, 1700 North Moore St., Suite 2300, Arlington, VA 22209-2802; (703) 696-5501; GSA: Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501-0084; Dept. of Veterans Affairs: Amelia McLellan, Real Property Service, Dept. of Veterans Affairs, room 419, 810 Vermont Ave. NW., Washington, DC 20420; (202) 565-5398; Dept. of Energy: Andy Duran, Office of Engineering & Construction Management, ME-90, Washington, DC 20585; (202) 586-4548; Dept. of Agriculture: Marsha Pruitt, Reporters Building, 300 7th St., SW., Rm 310B, Washington, DC 20250; (202) 720-4335; Dept. of Interior: Linda Tribby, Acquisition & Property Management, Dept. of Interior, 1849 C St. NW., MS 5512, Washington, DC 20240; (202) 219-0728; (These are not toll-free numbers).

Dated: February 3, 2005.

Mark R. Johnston,

Director, Office of Special Needs Assistance Programs.

TITLE V PROPERTIES REPORTED IN YEAR 2004 WHICH ARE SUITABLE AND AVAILABLE**Agriculture***Montana***Building****Ofc. Bldg.****Aerial Fire Depot**

Missoula MT 59808-

Property No.: 15200410001

Status: Unutilized

Comment: 957 sq. ft. w/598 sq. ft. garage, presence of asbestos, off-site use only

Air Force*Alaska***Building**

Bldg. 7525

Elmendorf AFB

Elmendorf AFB AK 99506-

Property No.: 18200230009

Status: Unutilized

Comment: 26,226 sq. ft., need rehab, possible asbestos/lead paint, most recent use—dormitory, off-site use only

*Hawaii***Building**

Bldg. 849

Bellows AFS

Bellows AFS HI

Property No.: 18200330008

Status: Unutilized

Comment: 462 sq. ft., concrete storage facility

*Missouri***Building**

Bldgs. 90A/B, 91A/B, 92A/B

Jefferson Barracks Housing

St. Louis MO 63125-

Property No.: 18200220002

Status: Excess

Comment: 6450 sq. ft., needs repair, includes 2 acres

*Nebraska***Land**

Hastings Radar Bomb Scoring

Hastings Co: Adams NE 68901-

Property No.: 18199810027

Status: Unutilized

Comment: 11 acres

*New York***Building**

Lockport Comm. Facility

Shawnee Road

Lockport Co: Niagara NY

Property No.: 18200040004

Status: Excess

Comment: 2 concrete block bldgs., (415 & 2929 sq. ft.) on 7.68 acres

Bldg. 240

Rome Lab

Rome Co: Oneida NY 13441-

Property No.: 18200340023

Status: Unutilized

Comment: 39108 sq. ft., presence of asbestos,
most recent use—Electronic Research Lab

Bldg. 247
Rome Lab

Rome Co: Oneida NY 13441—
Property No.: 18200340024
Status: Unutilized

Comment: 13199 sq. ft., presence of asbestos,
most recent use—Electronic Research Lab

Bldg. 248
Rome Lab

Rome Co: Oneida NY 13441—
Property No.: 18200340025
Status: Unutilized

Comment: 4000 sq. ft., presence of asbestos,
most recent use—Electronic Research Lab

Bldg. 302
Rome Lab

Rome Co: Oneida NY 13441—
Property No.: 18200340026
Status: Unutilized

Comment: 10288 sq. ft., presence of asbestos,
most recent use—communications facility

South Carolina

Building

24 Bldgs.

Hunley Park/Charleston AFB
Idaho Ave., Unit Type 3S
N. Charleston Co: SC 29404—4827
Property No.: 18200430011
Status: Excess

Comment: 1624 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

6 Bldgs.

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430012
Location: 3510, 3514, 3517, 3528, 3533, 3538
Status: Excess

Comment: 1684 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

Bldg. 3601

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430013
Status: Excess

Comment: 1902 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

5 Bldgs.

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430014
Location: 3524, 3603, 3605, 3607, 3608
Status: Excess

Comment: 1788 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

4 Bldgs.

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430015
Location: 3009A/B, 3013A/B, 3202A/B,
3214A/B

Status: Excess

Comment: 2346 sq. ft., needs extensive
repair, presence of asbestos/lead paint,

most recent use—residential, off-site use
only

3 Bldgs.

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430016
Location: 3302A/B, 3418A/B, 3424A/B
Status: Excess

Comment: 2470 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

Bldg. 3207A/B

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430017
Status: Excess

Comment: 2688 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

11 Bldgs.

Hunley Park/Charleston AFB
Unit Type 3E
N. Charleston Co: SC 29404—
Property No.: 18200430018
Status: Excess

Comment: 2688 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

24 Bldgs.

Hunley Park/Charleston AFB
Unit Type 3J
N. Charleston Co: SC 29404—
Property No.: 18200430019
Status: Excess

Comment: 2787 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

Bldg. 3209A/B

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430020
Status: Excess

Comment: 2944 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

Bldgs. 3107A/B, 3205A/B

Hunley Park/Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430021
Status: Excess

Comment: 2944 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

5 Bldgs.

Hunley Park/Charleston AFB
Unit Type 4J
N. Charleston Co: SC 29404—
Property No.: 18200430022
Status: Excess

Comment: 3423 sq. ft., needs extensive
repair, presence of asbestos/lead paint,
most recent use—residential, off-site use
only

7 Bldgs.

Charleston AFB
Floor Plan 1
N. Charleston Co: SC 29404—4827
Property No.: 18200430023

Status: Excess

Comment: 2135 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

11 Bldgs.

Charleston AFB
Floor Plan 4AR
N. Charleston Co: SC 29404—
Property No.: 18200430024
Status: Excess

Comment: 2652 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

4 Bldgs.

Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430025
Location: 2314A/B, 2327A/B, 2339A/B,
2397A/B

Status: Excess

Comment: 2722 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

5 Bldgs.

Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430026
Location: 2311A/B, 2322A/B, 2329A/B,
2385A/B, 2399A/B

Status: Excess

Comment: 2642 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

4 Bldgs.

Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430027
Location: 2315A/B, 2323A/B, 2330A/B,
2387A/B

Status: Excess

Comment: 2756 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

3 Bldgs.

Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430028
Location: 2321A/B, 2326A/B, 2336A/B
Status: Excess

Comment: 2766 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

Bldg. 2331A/B

Charleston AFB
N. Charleston Co: SC 29494—
Property No.: 18200430029
Status: Excess

Comment: 2803 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

Bldg. 2341A/B

Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430030
Status: Excess

Comment: 2715 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

6 Bldgs.

Charleston AFB
N. Charleston Co: SC 29404—
Property No.: 18200430031
Location: 2346, 2354, 2363, 2382, 2389, 2396
Status: Excess

Comment: 1394 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

15 Bldgs

Charleston AFB

Floor Plan 6A

N. Charleston Co: SC 29404—

Property No.: 18200430032

Status: Excess

Comment: 1378 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

12 Bldgs.

Charleston AFB

Floor Plan 6B

N. Charleston Co: SC 29404—

Property No.: 18200430033

Status: Excess

Comment: 1387 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

13 Bldgs.

Charleston AFB

Floor Plan 1—1

N. Charleston Co: SC 29404—

Property No.: 18200430034

Status: Excess

Comment: 2305 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

Bldg. 2377

Charleston AFB

N. Charleston Co: SC 29404—

Property No.: 18200430035

Status: Excess

Comment: 1662 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

10 Bldgs.

Charleston AFB

Floor Plan D6

N. Charleston Co: SC 29204—

Property No.: 18200430036

Status: Excess

Comment: 1241 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

10 Bldgs.

Charleston AFB

Floor Plan D1

N. Charleston Co: SC 29404—

Property No.: 18200430037

Status: Excess

Comment: 1250 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

7 Bldgs.

Charleston AFB

Floor Plan DIV

N. Charleston Co: SC 29404—

Property No.: 18200430038

Status: Excess

Comment: 1250 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

7 Bldgs.

Charleston AFB

Floor Plan DV

N. Charleston Co: SC 29404—

Property No.: 18200430039

Status: Excess

Comment: 1241 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

7 Bldgs.

Charleston AFB

Floor Plan E6

N. Charleston Co: SC 29204—

Property No.: 18200430040

Status: Excess

Comment: 1249 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

11 Bldgs.

Charleston AFB

Floor Plan F6

N. Charleston Co: SC 29404—

Property No.: 18200430041

Status: Excess

Comment: 1249 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

11 Bldgs.

Charleston AFB

Floor Plan G6

N. Charleston Co: SC 29404—

Property No.: 18200430042

Status: Excess

Comment: 1390 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

9 Bldgs.

Charleston AFB

Floor Plan GV

N. Charleston Co: SC 29404—

Property No.: 18200430043

Status: Excess

Comment: 1390 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

8 Bldgs.

Charleston AFB

Floor Plan H6

N. Charleston Co: SC 29404—

Property No.: 18200430044

Status: Excess

Comment: 1396 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

Bldgs. 1841A/B, 1849A/B

Charleston AFB

N. Charleston Co: SC 29404—

Property No.: 18200430045

Status: Excess

Comment: 2249 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

9 Bldgs.

Charleston AFB

Floor Plan I6

N. Charleston Co: SC 29404—

Property No.: 18200430046

Status: Excess

Comment: 1400 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

7 Bldgs.

Charleston AFB

Floor Plan IV

N. Charleston Co: SC 29404—

Property No.: 18200430047

Status: Excess

Comment: 1400 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

4 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404—

Property No.: 18200430048

Location: 1846A/B, 1853A/B, 1862A/B,
2203A/B

Status: Excess

Comment: 2363 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

40 Bldgs.

Charleston AFB

Floor Plan 2A

N. Charleston Co: SC 29404—

Property No.: 18200430049

Status: Excess

Comment: 2387 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

Bldg. 1765A/B

Charleston AFB

N. Charleston Co: SC 29404—

Property No.: 18200430050

Status: Excess

Comment: 2558 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

42 Bldgs.

Charleston AFB

Floor Plan 2R

N. Charleston Co: SC 29404—

Property No.: 18200430051

Status: Excess

Comment: 2558 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

Bldg. 1828A/B

Charleston AFB

N. Charleston Co: SC 29404—

Property No.: 18200430052

Status: Excess

Comment: 2330 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

3 Bldgs.

Charleston AFB

N. Charleston Co: SC 29404—

Property No.: 18200430053

Location: 2309A/B, 2320A/B, 2335A/B

Status: Excess

Comment: 2766 sq. ft., presence of asbestos/
lead paint, most recent use—residential,
off-site use only

South Dakota

Building

West Communications Annex

Ellsworth Air Force Base

Ellsworth AFB Co: Meade SD 57706—

Property No.: 18199340051

Status: Unutilized

Comment: 2 bldgs. on 2.37 acres, remote area,
lacks infrastructure, road hazardous during
winter storms, most recent use—industrial
storage

Land

S. Nike Ed. Annex Land

Ellsworth AFB

Pennington SD 57706—

Property No.: 18200220010

Status: Unutilized

Comment: 7 acres w/five foundations from
demolished bldgs. remain on site; with a
road and a parking lot

Army*Alaska***Building****Armory**

NG Noorvik

Noorvik AK 99763–

Property No.: 21200110075

Status: Unutilized

Comment: 1200 sq. ft., most recent use—armory, off-site use only

Bldg. 00001

Kiana Natl Guard Armory

Kiana AK 99749–

Property No.: 21200340075

Status: Excess

Comment: 1200 sq. ft., butler bldg., needs repair, off-site use only

*Arizona***Building**

Bldg. 30012, Fort Huachuca

Sierra Vista Co: Cochise AZ 85635–

Property No.: 21199310298

Status: Excess

Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. S–306

Yuma Proving Ground

Yuma Co: Yuma/La Paz AZ 85365–9104

Property No.: 21199420346

Status: Unutilized

Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground

Yuma Co: Yuma AZ 85365–9104

Property No.: 21199520073

Status: Underutilized

Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only

Bldg. 00500

Yuma Proving Ground

Yuma AZ 85365–9498

Property No.: 21200340076

Status: Unutilized

Comment: 4171 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—training, off-site use only

Bldg. 43002

Fort Huachuca

Cochise Co: AZ 85613–7010

Property No.: 21200440066

Status: Excess

Comment: 23,152 sq. ft., presence of asbestos/lead paint, most recent use—dining, off-site use only

*California***Building**

Bldgs. 18026, 18028

Camp Roberts

Monterey CA 93451–5000

Property No.: 21200130081

Status: Excess

Comment: 2024 sq. ft. & 487 sq. ft., concrete, poor condition, off-site use only

*Colorado***Building**

Bldg. T–108

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200130083

Status: Unutilized

Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–209

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200130084

Status: Unutilized

Comment: 400 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–217

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200130085

Status: Unutilized

Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–218

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200130086

Status: Unutilized

Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–220

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200130087

Status: Unutilized

Comment: 690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—heat plant, off-site use only

Bldg. T–6001

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200130088

Status: Unutilized

Comment: 4372 sq. ft., poor condition, possible asbestos/lead paint, most recent use—vet clinic, off-site use only

Bldg. S6263

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200310051

Status: Unutilized

Comment: 24,902 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—offices, off-site use only

Bldg. T–211

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200340080

Status: Unutilized

Comment: 4172 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. S6268

Fort Carson

Ft. Carson Co: El Paso CO 80913–

Property No.: 21200340085

Status: Unutilized

Comment: 840 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 25, 26, 27

Pueblo Chemical Depot

Pueblo CO 81006–

Property No.: 21200420178

Status: Unutilized

Comment: 1311 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. 00127

Pueblo Chemical Depot

Pueblo CO 81006–

Property No.: 21200420179

Status: Unutilized

Comment: 8067 sq. ft., presence of asbestos, most recent use—barracks, off-site use only

*Georgia***Building**

Bldg. 1252, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220694

Status: Unutilized

Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 4963, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220710

Status: Unutilized

Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only

Bldg. 2396, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220712

Status: Unutilized

Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 4882, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220727

Status: Unutilized

Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 4967, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220728

Status: Unutilized

Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only

Bldg. 4977, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220736

Status: Unutilized

Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only

Bldg. 4944, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220747

Status: Unutilized

Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only

Bldg. 4884, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220762

Status: Unutilized

Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4964, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220763

Status: Unutilized

Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4966, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220764

Status: Unutilized

Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4965, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220769

Status: Unutilized

Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 4945, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199220779

Status: Unutilized

Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only

Bldg. 4023, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199310461

Status: Unutilized

Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199310462

Status: Unutilized

Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg 4051, Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199520175

Status: Unutilized

Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 322

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199720156

Status: Unutilized

Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2593

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199720167

Status: Unutilized

Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199720168

Status: Unutilized

Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldg. 4476

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199720184

Status: Unutilized

Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only

Bldg. 92

Fort Benning

Co: Muscogee GA 31905–

Property No.: 21199830278

Status: Unutilized

Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 4232

Fort Benning

Co: Muscogee GA 31905–

Property No.: 21199830291

Status: Unutilized

Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 39720

Fort Gordon

Ft. Gordon Co: Richmond GA 30905–

Property No.: 21199930119

Status: Unutilized

Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 1370

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930122

Status: Unutilized

Comment: 5204 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2288

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930123

Status: Unutilized

Comment: 2481 sq. ft., most recent use—admin., off-site use only

Bldg. 2293

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930125

Status: Unutilized

Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930126

Status: Unutilized

Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2508

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930128

Status: Unutilized

Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930129

Status: Unutilized

Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930130

Status: Unutilized

Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930131

Status: Unutilized

Comment: 7514 sq. ft., most recent use—storage, off-site use only

Bldg. 5886

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930134

Status: Unutilized

Comment: 67 sq. ft., most recent use—maint./storage, off-site use only

Bldgs. 5974–5978

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930135

Status: Unutilized

Comment: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930136

Status: Unutilized

Comment: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994

Fort Benning

Ft. Benning Co: Muscogee GA 31905–

Property No.: 21199930137

Status: Unutilized

Comment: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003

Fort Stewart

Hinesville Co: Liberty GA 31514–

Property No.: 21200030085

Status: Excess

Comment: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldgs. T–1005, T–1006, T–1007

Fort Stewart

Hinesville Co: Liberty GA 31514–

Property No.: 21200030086

Status: Excess

Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1015, T–1016, T–1017

Fort Stewart

Hinesville Co: Liberty GA 31514–

Property No.: 21200030087

Status: Excess

Comment: 7496 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1018, T–1019

Fort Stewart

Hinesville Co: Liberty GA 31514–

Property No.: 21200030088

Status: Excess

Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1020, T–1021

Fort Stewart

Hinesville Co: Liberty GA 31514–

Property No.: 21200030089

Status: Excess

Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1022

Fort Stewart

Hinesville Co: Liberty GA 31514–

Property No.: 21200030090

Status: Excess

Comment: 9267 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T-1027
Fort Stewart
Hinesville Co: Liberty GA 31514-
Property No.: 21200030091
Status: Excess
Comment: 9024 sq ft., poor condition, most recent use—storage, off-site use only

Bldg. T-1028
Fort Stewart
Hinesville Co: Liberty GA 31514-
Property No.: 21200030092
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T-1035, T-1036, T-1037
Fort Stewart
Hinesville Co: Liberty GA 31514-
Property No.: 21200030093
Status: Excess
Comment: 1626 sq ft., poor condition, most recent use—storage, off-site use only

Bldgs. T-1038, T-1039
Fort Stewart
Hinesville Co: Liberty GA 31514-
Property No.: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T-1040, T-1042
Fort Stewart
Hinesville Co: Liberty GA 31514-
Property No.: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T-1086, T-1087, T-1088
Fort Stewart
Hinesville Co: Liberty GA 31514-
Property No.: 21200030096
Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. T0130
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230041
Status: Excess
Comment: 10,813 sq. ft., off-site use only

Bldg. T0157
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230042
Status: Excess
Comment: 1440 sq. ft., off-site use only

Bldg. T0251
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230043
Status: Excess
Comment: 27,254 sq. ft., off-site use only

Bldgs. T291, T292
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230044
Status: Excess
Comment: 5220 sq. ft. each, off-site use only

Bldg. T0295
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230045
Status: Excess
Comment: 5220 sq. ft., off-site use only

Bldg. T0470
Fort Stewart

Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230046
Status: Excess
Comment: 27,254 sq. ft., off-site use only

Bldg. T1191
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230047
Status: Excess
Comment: 9386 sq. ft., off-site use only

Bldg. T1192
Fort Stewart
Hinesville Co: Liberty GA 31314-5136
Property No.: 21200230048
Status: Excess
Comment: 3992 sq. ft., off-site use only

Bldgs. 00064, 00065
Camp Frank D. Merrill
Dahlonega Co: Lumpkin GA 30597-
Property No.: 21200330108
Status: Unutilized
Comment: 648 sq. ft. each, concrete block, most recent use—water support treatment bldg., off-site use only

Bldg. 00232
Hunter Army Airfield
Garrison Co: Chatham GA 31409-
Property No.: 21200420007
Status: Excess
Comment: 2436 sq. ft., most recent use—headquarters bldg., off-site use only

Bldg. P1450
Hunter Army Airfield
Garrison Co: Chatham GA 31409-
Property No.: 21200420027
Status: Excess
Comment: 100,230 sq. ft., most recent use—health clinic, off-site use only

Bldg. 4151
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420032
Status: Excess
Comment: 3169 sq. ft., most recent use—battle lab, off-site use only

Bldg. 4152
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420033
Status: Excess
Comment: 721 sq. ft., most recent use—battle lab, off-site use only

Bldg. 4476
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420034
Status: Excess
Comment: 3148 sq. ft., most recent use—veh. maint. shop, off-site use only

Bldg. 8771
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420044
Status: Excess
Comment: 972 sq. ft., most recent use—RH/TGT house, off-site use only

Bldg. 9028
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420049
Status: Excess
Comment: 54 sq. ft., most recent use—sew/wst wtr treatment, off-site use only

Bldg. 9029

Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420050
Status: Excess
Comment: 7356 sq. ft., most recent use—heat plant bldg., off-site use only

Bldg. 11370
Fort Benning
Ft. Benning Co: Chattahoochee GA 31905-
Property No.: 21200420051
Status: Excess
Comment: 9602 sq. ft., most recent use—nco/enl bldg., off-site use only

Bldg. T924
Fort Stewart
Ft. Stewart Co: Liberty GA 31314-
Property No.: 21200420194
Status: Excess
Comment: 9360 sq. ft., most recent use—warehouse, off-site use only

Land
Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Property No.: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Hawaii
Building
P-88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818-
Property No.: 21199030324
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. T-337
Fort Shafter
Honolulu Co: Honolulu HI 96819-
Property No.: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Bldg. 06508
Schofield Barracks
Wahiawa HI 96786-
Property No.: 21200220106
Status: Unutilized
Comment: 1140 sq. ft., most recent use—office, off-site use only

Illinois
Building
Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299-
Property No.: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Sheridan Reserve
Arlington Heights IL 60052-2475
Property No.: 21200110081
Status: Unutilized
Comment: 1000 sq. ft., off-site use only

Louisiana

Building

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property No.: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—
barracks

Maryland

Building

Bldg. 0459B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120106
Status: Unutilized
Comment: 225 sq. ft., poor condition, most
recent use—equipment bldg., off-site use
only

Bldg. 00785

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120107
Status: Unutilized
Comment: 160 sq. ft., poor condition, most
recent use—shelter, off-site use only

Bldg. E3728

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120109
Status: Unutilized
Comment: 2596 sq. ft., presence of asbestos/
lead paint, most recent use—testing
facility, off-site use only

Bldg. E5239

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120113
Status: Unutilized
Comment: 230 sq. ft., most recent use—
storage, off-site use only

Bldg. E5317

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120114
Status: Unutilized
Comment: 3158 sq. ft., presence of asbestos/
lead paint, most recent use—lab, off-site
use only

Bldg. E5637

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property No.: 21200120115
Status: Unutilized
Comment: 312 sq. ft., presence of asbestos/
lead paint, most recent use—lab, off-site
use only

Bldg. 219

Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140078
Status: Unutilized
Comment: 8142 sq. ft., presence of asbestos/
lead paint, most recent use—admin., off-
site use only

Bldg. 294

Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140081
Status: Unutilized
Comment: 3148 sq. ft., presence of asbestos/
lead paint, most recent use—entomology
facility, off-site use only

Bldg. 949

Ft. George G. Meade

Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140083
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/
lead paint, most recent use—storehouse,
off-site use only

Bldg. 979

Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140084
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/
lead paint, most recent use—admin., off-
site use only

Bldg. 1007

Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200140085
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/
lead paint, most recent use—storage, off-
site use only

Bldg. 02207

Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property No.: 21200220112
Status: Unutilized
Comment: 6855 sq. ft., possible asbestos/lead
paint, most recent use—storage, off-site use
only

Bldg. 2214

Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230054
Status: Unutilized
Comment: 7740 sq. ft., needs rehab, possible
asbestos/lead paint, most recent use—
storage, off-site use only

Bldg. 00375

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320107
Status: Unutilized
Comment: 64 sq. ft., most recent use—
storage, off-site use only

Bldg. 0385A

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320110
Status: Unutilized
Comment: 944 sq. ft., off-site use only

Bldg. 00523

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320113
Status: Unutilized
Comment: 3897 sq. ft., most recent use—
paint shop, off-site use only

Bldg. 00649

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320116
Status: Unutilized
Comment: 1079 sq. ft., most recent use—
storage, off-site use only

Bldg. 00657

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320119
Status: Unutilized
Comment: 1048 sq. ft., most recent use—
bunker, off-site use only

Bldg. 0700B

Aberdeen Proving Grounds

Aberdeen Co: Harford MD 21005–
Property No.: 21200320121
Status: Unutilized
Comment: 505 sq. ft., off-site use only

Bldg. 01113

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320128
Status: Unutilized
Comment: 1012 sq. ft., off-site use only
Bldgs. 01124, 01132

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320129
Status: Unutilized
Comment: 740/2448 sq. ft., most recent use—
lab, off-site use only

Bldgs. 02373, 02378

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320130
Status: Unutilized
Comment: 8359 sq. ft., most recent use—
training, off-site use only

Bldg. 03558

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320133
Status: Unutilized
Comment: 18,000 sq. ft., most recent use—
storage, off-site use only

Bldg. 05262

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320136
Status: Unutilized
Comment: 864 sq. ft., most recent use—
storage, off-site use only

Bldg. 05608

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320137
Status: Unutilized
Comment: 1100 sq. ft., most recent use—
maint bldg., off-site use only

Bldg. E5108

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320147
Status: Unutilized
Comment: 5155 sq. ft., most recent use—
recreation center, off-site use only

Bldg. E5483

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320148
Status: Unutilized
Comment: 2140 sq. ft., most recent use—
vehicle storage, off-site use only

Bldg. E5645

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200320150
Status: Unutilized
Comment: 548 sq. ft., most recent use—
storage, off-site use only

Bldg. 00435

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005–
Property No.: 21200330111
Status: Unutilized
Comment: 1191 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldg. 0449A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330112
Status: Unutilized
Comment: 143 sq. ft., needs rehab, most
recent use—substation switch bldg., off-site
use only

Bldg. 0460
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330114
Status: Unutilized
Comment: 1800 sq. ft., needs rehab, most
recent use—electrical EQ bldg., off-site use
only

Bldg. 00914
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330118
Status: Unutilized
Comment: needs rehab, most recent use—
safety shelter, off-site use only

Bldg. 00915
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330119
Status: Unutilized
Comment: 247 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldg. 01189
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330126
Status: Unutilized
Comment: 800 sq. ft., needs rehab, most
recent use—range bldg., off-site use only

Bldg. E1413
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330127
Status: Unutilized
Comment: needs rehab, most recent use—
observation tower, off-site use only

Bldg. E2350A
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330132
Status: Unutilized
Comment: 325 sq. ft., need rehab, most recent
use—oil storage, off-site use only

Bldg. 2456
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330133
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence
of asbestos/lead paint, most recent use—
admin., off-site use only

Bldg. E3175
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330134
Status: Unutilized
Comment: 1296 sq. ft., needs rehab, most
recent use—hazard bldg., off-site use only

4 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330135
Location: E3224, E3228, E3230, E3232, E3234
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most
recent use—lab test bldgs., off-site use only

Bldg. E3241
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330136
Status: Unutilized
Comment: 592 sq. ft., needs rehab, most
recent use—medical res bldg., off-site use
only

Bldgs. E3269, E3270
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330138
Status: Unutilized
Comment: 200/1200 sq. ft., needs rehab, most
recent use—flam. storage, off-site use only

Bldg. E3300
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330139
Status: Unutilized
Comment: 44,352 sq. ft., needs rehab, most
recent use—chemistry lab, off-site use only

5 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330143
Location: E3329, E3334, E3344, E3350, E3370
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most
recent use—lab test bldgs., off-site use only

Bldg. E3335
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330144
Status: Unutilized
Comment: 400 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldgs. E3360, E3362, E3464
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330145
Status: Unutilized
Comment: 3588/236 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldg. E3542
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330148
Status: Unutilized
Comment: 1146 sq. ft., needs rehab, most
recent use—lab test bldg., off-site use only

Bldgs. 03554, 03556
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330149
Status: Unutilized
Comment: 18,000/9,000 sq. ft., needs rehab,
most recent use—storage, off-site use only

Bldg. E4420
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330151
Status: Unutilized
Comment: 14,997 sq. ft., needs rehab, most
recent use—police bldg., off-site use only

Bldg. E4733
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330152
Status: Unutilized
Comment: 2252 sq. ft., needs rehab, most
recent use—flammable storage, off-site use
only

Bldg. E4734

Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330153
Status: Unutilized
Comment: 1114 sq. ft., needs rehab, most
recent use—private club, off-site use only

4 Bldgs.
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330154
Location: E5005, E5049, E5050, E5051
Status: Unutilized
Comment: sq. ft. varies, needs rehab, most
recent use—storage, off-site use only

Bldg. E5068
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330155
Status: Unutilized
Comment: 1200 sq. ft., needs rehab, most
recent use—fire station, off-site use only

Bldg. 05447
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330160
Status: Unutilized
Comment: 2464 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldgs. 05448, 05449
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330161
Status: Unutilized
Comment: 6431 sq. ft., needs rehab, most
recent use—enlisted UHP, off-site use only

Bldg. 05450
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330162
Status: Unutilized
Comment: 2730 sq. ft., needs rehab, most
recent use—admin., off-site use only

Bldgs. 05451, 05455
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330163
Status: Unutilized
Comment: 2730/6431 sq. ft., needs rehab,
most recent use—storage, off-site use only

Bldg. 05453
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330164
Status: Unutilized
Comment: 6431 sq. ft., needs rehab, most
recent use—admin., off-site use only

Bldgs. 05456, 05459, 05460
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330165
Status: Unutilized
Comment: 6431 sq. ft., needs rehab, most
recent use—enlisted bldg., off-site use only

Bldg. E5609
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330167
Status: Unutilized
Comment: 2053 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldg. E5611
Aberdeen Proving Grounds
Aberdeen Co: Harford MD 21005—
Property No.: 21200330168

Status: Unutilized
 Comment: 11,242 sq. ft., needs rehab, most recent use—hazard bldg., off-site use only

Bldg. E5634
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330169
 Status: Unutilized
 Comment: 200 sq. ft., needs rehab, most recent use—flammable storage, off-site use only

Bldg. E5654
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330171
 Status: Unutilized
 Comment: 21,532 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5854
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330174
 Status: Unutilized
 Comment: 5166 sq. ft., needs rehab, most recent use—eng/MTN bldg., off-site use only

Bldg. E5942
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330176
 Status: Unutilized
 Comment: 2147 sq. ft., needs rehab, most recent use—igloo storage, off-site use only

Bldgs. E5952, E5953
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330177
 Status: Unutilized
 Comment: 100/24 sq. ft., needs rehab, most recent use—compressed air bldg., off-site use only

Bldgs. E7401, E7402
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330178
 Status: Unutilized
 Comment: 256/440 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E7407, E7408
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330179
 Status: Unutilized
 Comment: 1078/762 sq. ft., needs rehab, most recent use—decon facility, off-site use only

Bldg. E7931
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200330182
 Status: Unutilized
 Comment: needs rehab, most recent use—sewer treatment, off-site use only

Bldg. 1145D
 Aberdeen Proving Ground
 Harford MD 21005—
 Property No.: 21200420054
 Status: Unutilized
 Comment: 898 sq. ft., most recent use—storage, off-site use only

Bldg. 3070A
 Aberdeen Proving Ground
 Harford MD 21005—
 Property No.: 21200420055
 Status: Unutilized

Comment: 2299 sq. ft., most recent use—heat plant, off-site use only

Bldg. E5026
 Aberdeen Proving Ground
 Harford MD 21005—
 Property No.: 21200420056
 Status: Unutilized
 Comment: 20,536 sq. ft., most recent use—storage, off-site use only

Bldg. 05261
 Aberdeen Proving Ground
 Harford MD 21005—
 Property No.: 21200420057
 Status: Unutilized
 Comment: 10067 sq. ft., most recent use—maintenance, off-site use only

Bldgs. 00733, 00734
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200430063
 Status: Unutilized
 Comment: 136 sq. ft. each, most recent use—ammo storage, off-site use only

Bldg. 0401A
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200440068
 Status: Unutilized
 Comment: 220 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 0748A
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200440069
 Status: Unutilized
 Comment: 112 sq. ft., needs rehab, most recent use—shelter, off-site use only

Bldg. 01198
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200440070
 Status: Unutilized
 Comment: 168 sq. ft., needs rehab, most recent use—ordnance, off-site use only

Bldg. 03557
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200440071
 Status: Unutilized
 Comment: 340 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E3732
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200440072
 Status: Unutilized
 Comment: 1080 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E5876
 Aberdeen Proving Grounds
 Aberdeen Co: Harford MD 21005—
 Property No.: 21200440073
 Status: Unutilized
 Comment: 1192 sq. ft., needs rehab, most recent use—storage, off-site use only

Missouri

Building

Bldg. T1497
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65473—
 5000
 Property No.: 21199420441
 Status: Underutilized

Comment: 4720 sq. ft., 2—story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65473—
 5000
 Property No.: 21199420446
 Status: Underutilized
 Comment: 3663 sq. ft., 1—story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2385
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65473—
 Property No.: 21199510115
 Status: Excess
 Comment: 3158 sq. ft., 1—story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. 2167
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65473—
 5000
 Property No.: 21199820179
 Status: Unutilized
 Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2192, 2196, 2198
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65473—
 5000
 Property No.: 21199820183
 Status: Unutilized
 Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

12 Bldgs
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65743—
 8944
 Property No.: 21200410110
 Location: 07036, 07050, 07054, 07102, 07400, 07401, 08245, 08249, 08251, 08255, 08257, 08261
 Status: Unutilized
 Comment: 7152 sq. ft. 6 plex housing quarters, potential contaminants, off-site use only

6 Bldg
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65743—
 8944
 Property No.: 21200410111
 Location: 07044, 07106, 07107, 08260, 08281, 08300
 Status: Unutilized
 Comment: 9520 sq. ft., 8 plex housing quarters, potential contaminants, off-site use only.

15 Bldgs
 Fort Leonard Wood
 Ft. Leonard Wood Co: Pulaski MO 65743—
 8944
 Property No.: 21200410112
 Location: 08242, 08243, 08246—08248, 08250, 08252—08254, 08256, 08258—08259, 08262—08263, 08265
 Status: Unutilized
 Comment: 4784 sq. ft., 4 plex housing quarters, potential contaminants, off-site use only.

Bldgs 08283, 08285

Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743-8944
Property No.: 21200410113
Status: Unutilized
Comment: 2240 sq ft, 2 plex housing quarters, potential contaminants, off-site use only
15 Bldgs
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743-0827
Property No.: 21200410114
Location: 08267, 08269, 08271, 08273, 08275, 08277, 08279, 08290-08296, 08301
Status: Unutilized
Comment: 4784 sq ft., 4 plex housing quarters, potential contaminants, off-site use only
Bldg 09432
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743-8944
Property No.: 21200410115
Status: Unutilized
Comment: 8724 sq ft., 6-plex housing quarters, potential contaminants, off-site use only
Bldgs. 5006 and 5013
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743-8944
Property No.: 21200430064
Status: Unutilized
Comment: 192 & 144 sq. ft., needs repair, most recent use—generator bldg., off-site use only
Bldgs. 13210, 13710
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743-8944
Property No.: 21200430065
Status: Unutilized
Comment: 144 sq. ft. each, needs repair, most recent use—communication, off-site use only

Montana
Building
Bldg. 00405
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636-Property No.: 21200130099
Status: Unutilized
Comment: 3467 sq. ft., most recent use—storage, security limitations
Bldg. T0066
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636-Property No.: 21200130100
Status: Unutilized
Comment: 528 sq. ft., needs rehab, presence of asbestos, security limitations

New Jersey
Building
Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806-5000
Property No.: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only
Bldg. 732

Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806-5000
Property No.: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage, off-site use only
Bldg. 816C
Armament R, D, & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806-5000
Property No.: 21200130103
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only

New Mexico
Building
Bldg. 34198
White Sands Missile Range
Dona Ana NM 88002-Property No.: 21200230062
Status: Excess
Comment: 107 sq. ft., most recent use—security, off-site use only

New York
Building
6 Bldgs.
Fort Drum
T-451, T-452, T-453, T-454, T-456, T-458
Ft. Drum Co: Jefferson NY 13602-Property No.: 21200210056
Status: Unutilized
Comment: 4720 sq. ft., needs repair, most recent use—enlisted barracks AN TR, off-site use only
5 Bldgs.
Orangeburg USARC
#206, 207, 208, 218, 223
Orangeburg Co: Rockland NY 10962-2209
Property No.: 21200310061
Status: Unutilized
Comment: various sq. ft., need major repairs, presence of lead paint, most recent use—admin/storage, off-site use only
Bldg. 1227
U.S. Military Academy
Highlands Co: Orange NY 10996-1592
Property No.: 21200440074
Status: Unutilized
Comment: 3800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—maintenance, off-site use only

North Carolina
Building
Bldg. C5536
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310-5000
Property No.: 21200130150
Status: Unutilized
Comment: 600 sq. ft., single wide trailer w/ metal storage shed, needs major repair, presence of asbestos/lead paint, off-site use only

Ohio
Land
Land
Defense Supply Center
Columbus Co: Franklin OH 43216-5000
Property No.: 21200340094
Status: Excess
Comment: 11 acres, railroad access

Oklahoma
Building
Bldg. T-838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503-5100
Property No.: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).
Bldg. T-954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503-5100
Property No.: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop
Bldg. T-3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503-5100
Property No.: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse
Bldg. T-4226
Fort Sill
Lawton Co: Comanche OK 73503-Property No.: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only
Bldg. P-1015, Fort Sill
Lawton Co: Comanche OK 73501-5100
Property No.: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only
Bldg. P-366, Fort Sill
Lawton Co: Comanche OK 73503-Property No.: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only
Building T-2952
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only
Building P-5042
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only
4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21199710086
Location: T-6465, T-6466, T-6467, T-6468
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off site use only
Bldg. T-810
Fort Sill
Lawton Co: Comanche OK 73503-5100

Property No.: 21199730350
 Status: Unutilized
 Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only
 Bldgs. T-837, T-839
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730351
 Status: Unutilized
 Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. P-934
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730353
 Status: Unutilized
 Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldgs. T-1468, T-1469
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730357
 Status: Unutilized
 Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. T-1470
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730358
 Status: Unutilized
 Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldgs. T-1954, T-2022
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730362
 Status: Unutilized
 Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. T-2184
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730364
 Status: Unutilized
 Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldgs. T-2186, T-2188, T-2189
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730366
 Status: Unutilized
 Comment: 1656-3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only
 Bldg. T-2187
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730367
 Status: Unutilized
 Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldgs. T-2291 thru T-2296
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730372
 Status: Unutilized

Comment: 400 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldgs. T-3001, T-3006
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730383
 Status: Unutilized
 Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. T-3314
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730385
 Status: Unutilized
 Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only
 Bldg. T-5041
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730409
 Status: Unutilized
 Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. T-5420
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730414
 Status: Unutilized
 Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only
 Bldg. T-7775
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199730419
 Status: Unutilized
 Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only
 4 Bldgs.
 Fort Sill
 P-617, P-1114, P-1386, P-1608
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910133
 Status: Unutilized
 Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only
 Bldg. P-746
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910135
 Status: Unutilized
 Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only
 Bldgs. P-2581, P-2773
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910140
 Status: Unutilized
 Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only
 Bldg. P-2582
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910141
 Status: Unutilized

Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only
 Bldgs. P-2912, P-2921, P-2944
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910144
 Status: Unutilized
 Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only
 Bldg. P-2914
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910146
 Status: Unutilized
 Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. P-5101
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910153
 Status: Unutilized
 Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only
 Bldg. S-6430
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910156
 Status: Unutilized
 Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only
 Bldg. T-6461
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910157
 Status: Unutilized
 Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only
 Bldg. T-6462
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910158
 Status: Unutilized
 Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only
 Bldg. P-7230
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21199910159
 Status: Unutilized
 Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only
 Bldg. S-4023
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21200010128
 Status: Unutilized
 Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only
 Bldg. P-747
 Fort Sill
 Lawton Co: Comanche OK 73503-5100
 Property No.: 21200120120
 Status: Unutilized
 Comment: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. P-842
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21200120123
Status: Unutilized
Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T-911
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21200120124
Status: Unutilized
Comment: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P-1672
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21200120126
Status: Unutilized
Comment: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S-2362
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21200120127
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P-2589
Fort Sill
Lawton Co: Comanche OK 73503-5100
Property No.: 21200120129
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Pennsylvania

Building
5 Bldgs.
Carlisle Barracks
00441 thru 00445
Carlisle Co: Cumberland PA 17013-
Property No.: 21200430066
Status: Unutilized
Comment: 4238 sq. ft. each, presence of asbestos, most recent use—residential, off-site use only

South Carolina

Building
Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207-
Property No.: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207-
Property No.: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207-
Property No.: 21199820188
Status: Unutilized

Comment: 711 sq. ft., needs repair, most recent use—storage

Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29207-
Property No.: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., need repairs, presence of asbestos/lead paint, most recent use—training bldg., off-site use only

Land

One Acre
Fort Jackson
Columbia Co: Richland SC 29207-
Property No.: 21200110089
Status: Underutilized
Comment: approx. 1 acre

Texas

Building
Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916-
Property No.: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. 120
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220137
Status: Unutilized
Comment: 1450 sq. ft., most recent use—dental clinic, off-site use only

Bldg. 56305
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220143
Status: Unutilized
Comment: 2160 sq. ft., most recent use—admin., off-site use only

Bldg. 56402
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220144
Status: Unutilized
Comment: 2680 sq. ft., most recent use—recreation center, off-site use only

Bldgs. 56403, 56405
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220145
Status: Unutilized

Comment: 480 sq. ft., most recent use—shower, off-site use only

Bldgs. 56620, 56621
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220146
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56626, 56627
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220147
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56628
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220148
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56630, 56631
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220149
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldgs. 56636, 56637
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220150
Status: Unutilized
Comment: 1120 sq. ft., most recent use—shower, off-site use only

Bldg. 56638
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220151
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. 56703, 56708
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220152
Status: Unutilized
Comment: 1306 sq. ft., most recent use—shower, off-site use only

Bldg. 56758
Fort Hood
Ft. Hood Co: Bell TX 76544-
Property No.: 21200220154
Status: Unutilized
Comment: 1133 sq. ft., most recent use—shower, off-site use only

Bldgs. P6220, P6222
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Property No.: 21200330197
Status: Unutilized
Comment: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldgs. P6224, P6226
Fort Sam Houston
Camp Bullis
San Antonio Co: Bexar TX
Property No.: 21200330198
Status: Unutilized
Comment: 384 sq. ft., most recent use—carport/storage, off-site use only

Bldg. 04200
Fort Hood
Ft. Hood Co: Bell TX 76544—
Property No.: 21200420065
Status: Unutilized
Comment: 2100 sq. ft., presence of asbestos,
most recent use—admin., off-site use only

29 Bldgs.
Fort Sam Houston
Canyon Lake Co: TX
Property No.: 21200440076
Location: S—34 thru S—39, S—40 thru S—63
Status: Unutilized
Comment: 924 sq. ft., mobile homes, off-site
use only

Land
1 acre
Fort Sam Houston
San Antonio Co: Bexar TX 78234—
Property No.: 21200440075
Status: Excess
Comment: 1 acre, grassy area

Virginia

Building
Bldgs. 1516, 1517, 1552, 1567
Fort Eustis
Ft. Eustis VA 23604—
Property No.: 21200130154
Status: Unutilized
Comment: 2892 & 4720 sq. ft., most recent
use—dining/barracks/admin, off-site use
only

Bldg. 1559
Fort Eustis
Ft. Eustis VA 23604—
Property No.: 21200130156
Status: Unutilized
Comment: 2892 sq. ft., most recent use—
storage, off-site use only

Bldg. T-707
Fort Eustis
Ft. Eustis VA 23604—
Property No.: 21200330199
Status: Unutilized
Comment: 3763 sq. ft., most recent use—
chapel, off-site use only

Bldg. 01025
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060—
Property No.: 21200440108
Status: Unutilized
Comment: 3594 sq. ft., presence of asbestos,
most recent use—chapel, off-site use only

Bldgs. 01804, 01824
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060—
Property No.: 21200440109
Status: Unutilized
Comment: 3960 sq. ft., presence of asbestos,
most recent use—chapel, off-site use only

Washington

Building
Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500
Property No.: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead
paint, most recent use—admin., off-site use
only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500

Property No.: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead
paint, most recent use—storehouse, off-site
use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500
Property No.: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead
paint, most recent use—storage, off-site use
only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500
Property No.: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead
paint, most recent use—storage, off-site use
only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500
Property No.: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead
paint, most recent use—warehouse, off-site
use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500
Property No.: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible
asbestos/lead paint, most recent use—
warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—9500
Property No.: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/
lead paint, most recent use—warehouse,
off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most
recent use—storage, off-site use only

Bldg. EO347
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead
paint, most recent use—office, off-site use
only

Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab,
possible asbestos/lead paint, most recent
use—medical clinic, off-site use only

Bldgs. CO509, CO709, CO720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199810372
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead
paint, needs rehab, most recent use—
storage, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199830419
Status: Unutilized

Comment: 2360 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
office, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
supply, off-site use only

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920239
Location: U002B, U002C, U005C, U015I,
U016E, U019C, U022A, U028B, 0091A,
U093C
Status: Excess
Comment: 600 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920240
Location: U003A, U004B, U006C, U015B,
U016B, U019B
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433—
Property No.: 21199920245
Location: U014A, U022B, U023A, U043B,
U059B, U060A, U101A
Status: Excess
Comment: needs repair, presence of asbestos/
lead paint, most recent use—ofc/tower/
support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
range house, off-site use only

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence
of asbestos/lead paint, off-site use only

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
ammo bldg., off-site use only

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA –
Property No.: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
tire house, off-site use only

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
line shed, off-site use only

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence
of asbestos/lead paint, off-site use only

Bldg. U040D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
range house, off-site use only

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920256
Status: Excess
Comment: various sq. ft., needs repair,
presence of asbestos/lead paint, most
recent use—range house, off-site use only

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920257

Status: Excess
Comment: 192 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
shelter, off-site use only

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920258
Status: Excess
Comment: 242 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
range house, off-site use only

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
control tower, off-site use only

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
grandstand/bleachers, off-site use only

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
support, off-site use only

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
range house, off-site use only

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
tower, off-site use only

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
storage, off-site use only

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
shelter, off-site use only

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920266
Location: U058A, U103A, U018A
Status: Excess

Comment: 36 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
control tower, off-site use only

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
tower, off-site use only

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
range house, off-site use only

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920269
Location: N101B, U101C, U507B, U557A
Status: Excess
Comment: 400 sq. ft., needs repair, presence
of asbestos/lead paint, off-site use only

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
support, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920273
Location: U111A, U015A, U024E, U052F,
U109A, U110A
Status: Excess
Comment: 1000 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
support/shelter/mess, off-site use only

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
shelter, off-site use only

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
tower, off-site use only

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence
of asbestos/lead paint, most recent use—
support, off-site use only

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property No.: 21199920281
Status: Excess

Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only

Bldg. 01205

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920290

Status: Excess

Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 01259

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920291

Status: Excess

Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 01266

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920292

Status: Excess

Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldg. 1445

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920294

Status: Excess

Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only

Bldgs. 03091, 03099

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920296

Status: Excess

Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 4040

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920298

Status: Excess

Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only

Bldgs. 4072, 5104

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920299

Status: Excess

Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 4295

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920300

Status: Excess

Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 6191

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920303

Status: Excess

Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only

Bldgs. 08076, 08080

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920304

Status: Excess

Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. 08093

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920305

Status: Excess

Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only

Bldg. 8279

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920306

Status: Excess

Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only

Bldgs. 8280, 8291

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920307

Status: Excess

Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 8956

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920308

Status: Excess

Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 9530

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920309

Status: Excess

Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only

Bldg. 9574

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920310

Status: Excess

Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only

Bldg. 9596

Fort Lewis

Ft. Lewis Co: Pierce WA 98433–

Property No.: 21199920311

Status: Excess

Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only

COE

Arkansas

Land

Parcel 01

DeGray Lake

Section 12

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010071

Status: Unutilized

Comment: 77.6 acres

Parcel 02

DeGray Lake

Section 13

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010072

Status: Unutilized

Comment: 198.5 acres

Parcel 03

DeGray Lake

Section 18

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010073

Status: Unutilized

Comment: 50.46 acres

Parcel 04

DeGray Lake

Section 24, 25, 30 and 31

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010074

Status: Unutilized

Comment: 236.37 acres

Parcel 05

DeGray Lake

Section 16

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010075

Status: Unutilized

Comment: 187.30 acres

Parcel 06

DeGray Lake

Section 13

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010076

Status: Unutilized

Comment: 13.0 acres

Parcel 07

DeGray Lake

Section 34

Arkadelphia Co: Hot Spring AR 71923–9361

Property No.: 31199010077

Status: Unutilized

Comment: 0.27 acres

Parcel 08

DeGray Lake

Section 13

Arkadelphia Co: Clark AR 71923–9361

Property No.: 31199010078

Status: Unutilized

Comment: 14.6 acres

Parcel 09

DeGray Lake

Section 12

Arkadelphia Co: Hot Spring AR 71923–9361

Property No.: 31199010079

Status: Unutilized

Comment: 6.60 acres

Parcel 10

DeGray Lake

Section 12

Arkadelphia Co: Hot Spring AR 71923–9361

Property No.: 31199010080

Status: Unutilized

Comment: 4.5 acres

Parcel 11

DeGray Lake

Section 19

Arkadelphia Co: Hot Spring AR 71923–9361

Property No.: 31199010081

Status: Unutilized

Comment: 19.50 acres

Lake Greeson

Section 7, 8 and 18

Murfreesboro Co: Pike AR 71958–9720

Property No.: 31199010083

Status: Unutilized

Comment: 46 acres

Kansas

Building

Dwelling

Admin Area

Wilson Lake

Sylvan Grove Co: KS 67481–

Property No.: 31200440001

Status: Excess

Comment: 1600 sq. ft. residence, off-site use only

Dwelling

Admin Area

Wilson Lake

Sylvan Grove Co: KS 67481–

Property No.: 31200440002

Status: Excess

Comment: 1600 sq. ft., storage, off-site use only

Land

Parcel 1

El Dorado Lake

Section 13, 24, and 18

(See County) Co: Butler KS

Property No.: 31199010064

Status: Unutilized

Comment: 61 acres; most recent use—recreation

Kentucky

Building

Green River Lock & Dam #3

Rochester Co: Butler KY 42273–

Property No.: 31199010022

Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.

Status: Unutilized

Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab

Land

Tract 2625

Barkley Lake, Kentucky, and Tennessee

Cadiz Co: Trigg KY 42211–

Property No.: 31199010025

Location: Adjoining the village of Rockcastle

Status: Excess

Comment: 2.57 acres; rolling and wooded

Tract 2709–10 and 2710–2

Barkley Lake, Kentucky and Tennessee

Cadiz Co: Trigg KY 42211–

Property No.: 31199010026

Location: 2½ miles in a southerly direction from the village of Rockcastle.

Status: Excess

Comment: 2.00 acres; steep and wooded

Tract 2708–1 and 2709–1

Barkley Lake, Kentucky and Tennessee

Cadiz Co: Trigg KY 42211–

Property No.: 31199010027

Location: 2½ miles in a southerly direction from the village of Rockcastle.

Status: Excess

Comment: 3.59 acres; rolling and wooded; no utilities

Tract 2800

Barkley Lake, Kentucky and Tennessee

Cadiz Co: Trigg KY 42211–

Property No.: 31199010028

Location: 4½ miles in a southeasterly direction from the village of Rockcastle.

Status: Excess

Comment: 5.44 acres; steep and wooded

Tract 2915

Barkley Lake, Kentucky and Tennessee

Cadiz Co: Trigg KY 42211–

Property No.: 31199010029

Location: 6½ miles west of Cadiz.

Status: Excess

Comment: 5.76 acres; steep and wooded; no utilities

Tract 2702

Barkley Lake, Kentucky and Tennessee

Cadiz Co: Trigg KY 42211–

Property No.: 31199010031

Location: 1 mile in a southerly direction from the village of Rockcastle.

Status: Excess

Comment: 4.90 acres; wooded; no utilities

Tract 4318

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212–

Property No.: 31199010032

Location: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek.

Status: Excess

Comment: 8.24 acres; steep and wooded

Tract 4502

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212–

Property No.: 31199010033

Location: 3½ miles in a southerly direction from Canton, KY

Status: Excess

Comment: 4.26 acres; steep and wooded

Tract 4611

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212–

Property No.: 31199010034

Location: 5 miles south of Canton, KY

Status: Excess

Comment: 10.51 acres; steep and wooded; no utilities

Tract 4619

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212–

Property No.: 31199010035

Location: 4½ miles south from Canton, KY

Status: Excess

Comment: 2.02 acres; steep and wooded; no utilities

Tract 4817

Barkley Lake, Kentucky and Tennessee

Canton Co: Trigg KY 42212–

Property No.: 31199010036

Location: 6½ miles south of Canton, KY

Status: Excess

Comment: 1.75 acres; wooded

Tract 1217

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010042

Location: On the north side of the Illinois Central Railroad.

Status: Excess

Comment: 5.80 acres; steep and wooded

Tract 1906

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010044

Location: Approximately 4 miles east of Eddyville, KY

Status: Excess

Comment: 25.86 acres; rolling steep and partially wooded; no utilities

Tract 1907

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42038–

Property No.: 31199010045

Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY

Status: Excess

Comment: 8.71 acres; rolling steep and wooded; no utilities

Tract 2001 #1

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010046

Location: Approximately 4½ miles east of Eddyville, KY

Status: Excess

Comment: 47.42 acres; steep and wooded; no utilities

Tract 2001 #2

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010047

Location: Approximately 4½ miles east of Eddyville, KY

Status: Excess

Comment: 8.64 acres; steep and wooded; no utilities

Tract 2005

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010048

Location: Approximately 5½ miles east of Eddyville, KY

Status: Excess

Comment: 4.62 acres; steep and wooded; no utilities

Tract 2307

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010049

Location: Approximately 7½ miles southeasterly of Eddyville, KY

Status: Excess

Comment: 11.43 acres; steep; rolling and wooded; no utilities

Tract 2403

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010050

Location: 7 miles southeasterly of Eddyville, KY

Status: Excess

Comment: 1.56 acres; steep and wooded; no utilities

Tract 2504

Barkley Lake, Kentucky and Tennessee

Eddyville Co: Lyon KY 42030–

Property No.: 31199010051

Location: 9 miles southeasterly of Eddyville, KY

Status: Excess

Comment: 24.46 acres; steep and wooded; no utilities

Tract 214

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045–

Property No.: 31199010052

Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River

Status: Excess

Comment: 5.5 acres; wooded; no utilities

Tract 215

Barkley Lake, Kentucky and Tennessee

Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010053
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.40 acres; wooded; no utilities

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010054
Location: Old Henson Ferry Road, 6 miles
west of Kuttawa, KY
Status: Excess
Comment: 1.26 acres; steep and wooded; no
utilities

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199010055
Location: 2.5 miles southwest of Kuttawa, KY
on the waters of Cypress Creek
Status: Excess
Comment: 38.77 acres; steep and wooded; no
utilities

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Property No.: 31199010056
Location: 6½ miles southeasterly of
Eddyville, KY
Status: Excess
Comment: 97.66 acres; steep rolling and
wooded; no utilities

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Property No.: 31199010058
Location: Village of Linton, KY state highway
1254
Status: Excess
Comment: 0.93 acres; rolling, partially
wooded; no utilities

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Property No.: 31199010059
Location: 1 mile northwest of Linton, KY
Status: Excess
Comment: 2.26 acres; steep and wooded; no
utilities

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199011621
Location: 4½ miles south from Canton, KY
Status: Excess
Comment: 3.71 acres; steep and wooded;
subject to utility easements

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Property No.: 31199011622
Location: 4½ miles south from Canton, KY
Status: Excess
Comment: 1.73 acres; steep and wooded;
subject to utility easements

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Property No.: 31199011623
Location: 7 miles southeasterly from
Eddyville, KY
Status: Unutilized
Comment: 0.70 acres; wooded; subject to
utility easements

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011624
Location: South of Old Henson Ferry Road,
6 miles west of Kuttawa, KY
Status: Excess
Comment: 11.16 acres; steep and wooded;
subject to utility easements

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011625
Location: Old Henson Ferry Road, 6 miles
west of Kuttawa, KY
Status: Excess
Comment: 2.44 acres; steep and wooded;
subject to utility easements

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011626
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to
utility easements

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Property No.: 31199011627
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to
utility easements

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Property No.: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use—
hunting, subject to existing easements

Portion of Lock & Dam No. 1
Kentucky River
Carrollton Co: Carroll KY 41008–0305
Property No.: 31199320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access
monitored

Tract No. F–610
Buckhorn Lake Project
Buckhorn KY 41721–
Property No.: 31200240001
Status: Unutilized
Comment: 0.64 acres, encroachments, most
recent use—flood control purposes

Louisiana

Land
Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Property No.: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no
utilities

Bayou Bodcau Dam and Reservoir
Houghton Co: Caddo LA 71037–9707
Property No.: 31199011010
Location: 35 miles Northeast of Shreveport,
LA
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no
utilities

Mississippi

Land
Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities;
intermittently used under lease—expires
1994

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities;
intermittently used under lease—expires
1994

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities;
intermittently used under lease—expires
1994

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Property No.: 31199011022
Status: Underutilized
Comment: 490 acres; no utilities;
intermittently used under lease—expires
1994

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Property No.: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent
use—wildlife and forestry management

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent
use—wildlife and forestry management;
(13.5 acres/agriculture lease)

Parcel 4
Grenada Lake
Section 2 and 3. T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent
use—wildlife and forestry management

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property No.: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent
use—wildlife and forestry management;
(14 acres/agriculture lease)

Parcel 6
Grenada Lake

Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903-0903
Property No.: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901-0903
Property No.: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390-10903
Property No.: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903-0903
Property No.: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease)

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901-0903
Property No.: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901-0903
Property No.: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901-0903
Property No.: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901-0903
Property No.: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902-0903
Property No.: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management

Parcel 19
Grenada Lake
Section 9, T22N, R7E

Grenada Co: Grenada MS 38901-0903
Property No.: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management

Missouri
Building
Trailer
Gasconade Harbor Facility
Gasconade Co: MO 65036-
Property No.: 31200430002
Status: Unutilized
Comment: 55 ft. × 12 ft., most recent use—office, off-site use only

Land
Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355-
Property No.: 31199030014
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150.
Status: Underutilized
Comment: 1.7 acres; potential utilities

Montana
Building
Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701-
Property No.: 31200040010
Status: Unutilized
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701-
Property No.: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701-
Property No.: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701-
Property No.: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701-
Property No.: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

Ohio
Building
Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768-9801
Property No.: 31199120018
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on

Natl Register of Historic Places, no utilities, off-site use only

Oklahoma

Land
Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Property No.: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3

Pennsylvania

Building
Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242-
Property No.: 31199210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only
Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229-2023
Property No.: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424-9103
Property No.: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065-2609
Property No.: 31199710009
Status: Unutilized
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226-8815
Property No.: 31199740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226-8815
Property No.: 31199740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870-9709
Property No.: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681-9302
Property No.: 31199740006
Status: Excess

Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2

Loyalhanna Lake

Saltsburg Co: Westmoreland PA 15681–9302

Property No.: 31199740007

Status: Excess

Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #1

Woodcock Creek Lake

Saegertown Co: Crawford PA 16433–0629

Property No.: 31199740008

Status: Excess

Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2

Lock & Dam 6, 1260 River Road

Freeport Co: Armstrong PA 16229–2023

Property No.: 31199740009

Status: Excess

Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only

Dwelling #2

Youghiogheny River Lake

Confluence Co: Fayette PA 15424–9103

Property No.: 31199830003

Status: Excess

Comment: 1421 sq. ft., 2-story + basement, most recent use—residential

Residence A

2045 Pohopoco Drive

Lehigh Co: Carbon PA 18235–

Property No.: 31200410007

Status: Unutilized

Comment: 1200 sq. ft., presence of asbestos, off-site use only

Land

Mahoning Creek Lake

New Bethlehem Co: Armstrong PA 16242–9603

Property No.: 31199010018

Location: Route 28 north to Belknap, Road #4

Status: Excess

Comment: 2.58 acres; steep and densely wooded

Tracts 610, 611, 612

Shenango River Lake

Sharpsville Co: Mercer PA 16150–

Property No.: 31199011001

Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.

Status: Excess

Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26

Crooked Creek Lake

Co: Armstrong PA 03051–

Property No.: 31199011011

Location: Left bank—55 miles downstream of dam.

Status: Unutilized

Comment: 7.59 acres; potential for utilities

Portion of Tract L–21A

Crooked Creek Lake, LR 03051–

Ford City Co: Armstrong PA 16226–

Property No.: 31199430012

Status: Unutilized

Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights

Tennessee

Land

Tract 6827

Barkley Lake

Dover Co: Stewart TN 37058–

Property No.: 31199010927

Location: 2½ miles west of Dover, TN.

Status: Excess

Comment: .57 acres; subject to existing easements

Tracts 6002–2 and 6010

Barkley Lake

Dover Co: Stewart TN 37058–

Property No.: 31199010928

Location: 3½ miles south of village of Tabaccoport.

Status: Excess

Comment: 100.86 acres; subject to existing easements

Tract 11516

Barkley Lake

Ashland City Co: Dickson TN 37015–

Property No.: 31199010929

Location: ½ mile downstream from Cheatham Dam

Status: Excess

Comment: 26.25 acres; subject to existing easements

Tract 2319

J. Percy Priest Dam and Reservoir

Murfreesboro Co: Rutherford TN 37130–

Property No.: 31199010930

Location: West of Buckeye Bottom Road

Status: Excess

Comment: 14.48 acres; subject to existing easements

Tract 2227

J. Percy Priest Dam and Reservoir

Murfreesboro Co: Rutherford TN 37130–

Property No.: 31199010931

Location: Old Jefferson Pike

Status: Excess

Comment: 2.27 acres; subject to existing easements

Tract 2107

J. Percy Priest Dam and Reservoir

Murfreesboro Co: Rutherford TN 37130–

Property No.: 31199010932

Location: Across Fall Creek near Fall Creek camping area.

Status: Excess

Comment: 14.85 acres; subject to existing easements

Tracts 2601, 2602, 2603, 2604

Cordell Hull Lake and Dam Project

Doe Row Creek

Gainesboro Co: Jackson TN 38562–

Property No.: 31199010933

Location: TN Highway 56

Status: Unutilized

Comment: 11 acres; subject to existing easements

Tract 1911

J. Percy Priest Dam and Reservoir

Murfreesboro Co: Rutherford TN 37130–

Property No.: 31199010934

Location: East of Lamar Road

Status: Excess

Comment: 6.92 acres; subject to existing easements

Tract 7206

Barkley Lake

Dover Co: Stewart TN 37058–

Property No.: 31199010936

Location: 2½ miles SE of Dover, TN.

Status: Excess

Comment: 10.15 acres; subject to existing easements

Tracts 8813, 8814

Barkley Lake

Cumberland Co: Stewart TN 37050–

Property No.: 31199010937

Location: 1½ miles East of Cumberland City

Status: Excess

Comment: 96 acres; subject to existing easements

Tract 8911

Barkley Lake

Cumberland City Co: Montgomery TN 37050–

Property No.: 31199010938

Location: 4 miles east of Cumberland City.

Status: Excess

Comment: 7.7 acres; subject to existing easements

Tract 11503

Barkley Lake

Ashland City Co: Cheatham TN 37015–

Property No.: 31199010939

Location: 2 miles downstream from Cheatham Dam.

Status: Excess

Comment: 1.1 acres; subject to existing easements

Tracts 11523, 11524

Barkley Lake

Ashland City Co: Cheatham TN 37015–

Property No.: 31199010940

Location: 2½ miles downstream from Cheatham Dam.

Status: Excess

Comment: 19.5 acres; subject to existing easements

Tract 6410

Barkley Lake

Bumpus Mills Co: Stewart TN 37028–

Property No.: 31199010941

Location: 4½ miles SW. of Bumpus Mills.

Status: Excess

Comment: 17 acres; subject to existing easements

Tract 9707

Barkley Lake

Palmyer Co: Montgomery TN 37142–

Property No.: 31199010943

Location: 3 miles NE of Palmyer, TN. Highway 149

Status: Excess

Comment: 6.6 acres; subject to existing easements

Tract 6949

Barkley Lake

Dover Co: Stewart TN 37058–

Property No.: 31199010944

Location: 1½ miles SE of Dover, TN

Status: Excess

Comment: 29.67 acres; subject to existing easements

Tracts 6005 and 6017

Barkley Lake

Dover Co: Stewart TN 37058–

Property No.: 31199011173

Location: 3 miles south of Village of Tobaccoport

Status: Excess

Comment: 5 acres; subject to existing easements

Tracts K-1191, K-1135

Old Hickory Lock and Dam

Hartsville Co: Trousdale TN 37074-

Property No.: 31199130007

Status: Underutilized

Comment: 54 acres, (portion in floodway), most recent use—recreation

Tract A-102

Dale Hollow Lake & Dam Project

Canoe Ridge, State Hwy 52

Celina Co: Clay TN 38551-

Property No.: 31199140006

Status: Underutilized

Comment: 351 acres, most recent use—hunting, subject to existing easements

Tract A-120

Dale Hollow Lake & Dam Project

Swann Ridge, State Hwy No. 53

Celina Co: Clay TN 38551-

Property No.: 31199140007

Status: Underutilized

Comment: 883 acres, most recent use—hunting, subject to existing easements

Tract D-185

Dale Hollow Lake & Dam Project

Ashburn Creek, Hwy No. 53

Livingston Co: Clay TN 38570-

Property No.: 31199140010

Status: Underutilized

Comment: 97 acres, most recent use—hunting, subject to existing easements

Virginia

Building

Metal Bldg.

John H. Kerr Dam & Reservoir

Co: Boydton VA

Property No.: 31199620009

Status: Excess

Comment: 800 sq. ft., most recent use—storage, off-site use only

Energy

Idaho

Building

Bldg. CF603

Idaho Natl Eng & Env Lab

Scoville Co: Butte ID 83415-

Property No.: 41200020004

Status: Excess

Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only

GSA

California

Building

Former Radio Relay Station

Blue Ridge Road

Mount Vaca

Solano Co: CA

Property No.: 54200440017

Status: Unutilized

Comment: 1352 sq. ft. communication station/approx. 38 acres, no water, steep hillsides/4-wheel drive recommended, communication licenses

GSA Number: 9-J-CA-1631

Florida

Building

Job Corps Center 205 West Third Street

Jacksonville Co: FL 33206-

Property No.: 54200440019

Status: Excess

Comment: 4 bldgs., sq. ft. varies, presence of asbestos/possible lead paint, most recent use—housing/classroom/training/medical/recreation, historic potential

GSA Number: 4-L-FL-0967B

Indiana

Land

Tracts 100 & 119-2

State Hwy 224/Rd. 50

Union Twshp Co: Huntington IN

Property No.: 54200430021

Status: Surplus

Comment: 6.65 acres and 8.68 acres, open space, no sanitary facilities, zoning restrictions

GSA Number: 1-D-IN-573-B

Tanner's Creek

Access Site off Rt. 50

Lawrenceburg Co: IN

Property No.: 54200430022

Status: Excess

Comment: 8.45 acres, boat launch, flowage easement

GSA Number: 1-D-IN-571-C

Patriot Boat Ramp

Rt 156

Switzerland Co: IN

Property No.: 54200440009

Status: Excess

Comment: 34.11 acres, parking and boat launch, flowage easement

GSA Number: 1-D-IN-571-B

Iowa

Building

Fed Bldg/Courthouse

350 W 6th Street

Dubuque IA 52001-

Property No.: 54200330014

Status: Excess

Comment: 80,762 sq. ft., needs repair, tenants to relocate, most recent use—office, historic covenants

GSA Number: 7-G-IA-0495-1

Maryland

Building

Social Security Bldg.

688 East Main Street

Salisbury Co: Wicomico MD 21804-

Property No.: 54200440010

Status: Surplus

Comment: 7200 sq. ft., needs repair, most recent use—office

GSA Number: 4-G-MD-618

Minnesota

Building

Lakes Project Office

307 Main Street East

Remer Co: Cass MN

Property No.: 54200410015

Status: Surplus

Comment: Office bldg/oil shed/maintenance garage, minor water damage

GSA Number: 5-D-MN-548-A

New Jersey

Building

Social Security Bldg.

686 Nye Avenue

Irvington Co: Essex NJ 07111-2315

Property No.: 54200430012

Status: Excess

Comment: 7757 sq. ft., most recent use—office

GSA Number: 1-G-NJ-652

Social Security Bldg.

22 Morris Street

Hackensack Co: Bergen NJ 07660-1546

Property No.: 54200430013

Status: Excess

Comment: 14,944 sq. ft., most recent use—office

GSA Number: 1-G-NJ-651

Land

Storage Site

Black Oak Ridge Road

Wayne Co: Passaic NJ

Property No.: 54200440011

Status: Excess

Comment: 6.5 acres, utility infrastructure exist

GSA Number: 1-B-NJ-0653

New York

Building

Social Security Bldg.

63 North Street

Monticello Co: Sullivan NY 12701-1124

Property No.: 54200430014

Status: Excess

Comment: 5659 sq. ft., most recent use—office

GSA Number: 1-G-NY-915

SSA Building 190 Stone Street

Watertown Co: Jefferson NY 13601-3251

Property No.: 54200430025

Status: Excess

Comment: 6452 sq. ft., needs rehab, most recent use—office, will be vacant Feb. 2005

GSA Number: 1-G-NY-916

North Carolina

Building

SSA Building 215 W. Third Avenue

Gastonia Co: Gaston NC 28052-

Property No.: 54200440020

Status: Excess

Comment: 8081 sq. ft., presence of asbestos, most recent use—office

GSA Number: 4-G-NC-0745

Federal Building 241 Sunset Avenue

Asheboro Co: Randolph NC 27203-

Property No.: 54200440021

Status: Excess

Comment: 7141 sq. ft., presence of asbestos/possible lead paint, historic preservation covenants, most recent use—office

GSA Number: 4-G-NC-746

Ohio

Land

GWEN Site #3

Township Rd. 196

Radnor Co: Delaware OH

Property No.: 54200420021

Status: Surplus

Comment: two tracts of farm land = 0.953 acre and 10.778 acres

GSA Number: 1-D-OH-825

Oklahoma

Building

Social Security Admin.

216 SW. First Street
Ardmore Co: Carter OK 73401–
Property No.: 54200440005
Status: Surplus
Comment: 5284 sq. ft., most recent use—
office
GSA Number: 7–G–OK–0556

Texas

Building
Social Security Admin.
810 Travis Street
Sherman Co: Grayson TX 75090–
Property No.: 54200440006
Status: Surplus
Comment: 5623 sq. ft., most recent use—
office, will be vacate FY2005
GSA Number: 7–G–TX–1074

Land
Former CG LORAN Station 501 Boddeker
Road
Galveston Co: TX 77553–
Property No.: 54200430015
Status: Excess
Comment: 230.84 acres w/3500 sq. ft.
building, wetlands, use limitation by COE
GSA Number: 7–U–TX–0867–D

Virginia

Land
Tract H–35–A
Chantilly Access Road
Vienna Co: VA
Property No.: 54200430016
Status: Excess
Comment: 0.331 acre, public street, any
owner would be required to provide
equivalent, uninterrupted alternate access
GSA Number: 11–U–VA–0001

Interior

California

Building
Bldg. YLL–172
Yosemite National Park
Hemlock Bldg.
Yosemite Co: Mariposa CA 95389–
Property No.: 61200420012
Status: Unutilized
Comment: 7020 sq. ft. motel, off-site use only
Bldg. YLL–174
Yosemite National Park
Alder Motel
Yosemite Co: Mariposa CA 95389–
Property No.: 61200420013
Status: Unutilized
Comment: 7020 sq. ft. motel, off-site use only
Bldg. 180
Yosemite National Park
Birch Motel
Yosemite Co: Mariposa CA 95389–
Property No.: 61200420014
Status: Unutilized
Comment: 3010 sq. ft. motel, off-site use only
Bldg. YLS–002
Yosemite National Park
Yosemite Lodge
Mariosa Co: CA 95389–
Property No.: 61200430021
Status: Unutilized
Comment: 1000 sq. ft., most recent use—bike
storage, off-site use only
Bldg. YLS–003

Yosemite National Park
Yosemite Lodge
Mariposa Co: CA 95389–
Property No.: 61200430022
Status: Unutilized
Comment: 1000 sq. ft., most recent use—
storage, off-site use only
Bldg. YLV–007
Yosemite National Park
Yosemite Lodge
Mariposa Co: CA 95389–
Property No.: 61200430023
Status: Unutilized
Comment: 957 sq. ft., most recent use—bike
storage, off-site use only
Bldg. YLL173
Yosemite National Park
Yosemite Lodge
Mariposa Co: CA 95389–
Property No.: 61200430024
Status: Unutilized
Comment: 7020 sq. ft., most recent use—
guest accommodations, off-site use only
Bldg. 1000 E & F
Yosemite National Park
Yosemite Lodge
Mariposa Co: CA 95389–
Property No.: 61200430025
Status: Unutilized
Comment: 3600 sq. ft., most recent use—
housing, off-site use only

Idaho

Land
19.5 acres
Teton Dam Site
Newdale Co: Madison ID 83436–
Property No.: 61200430047
Status: Excess
Comment: narrow strip of land, center of
irrigated agriculture fields
19.47 acres
Tract C/Section 11
Paul Co: Minidoka ID 83347–
Property No.: 61200430048
Status: Excess
Comment: agriculture/sagebrush
20.07 acres
Section 15; Lots 9–10
Paul Co: Minidoka ID 83347–
Property No.: 61200430049
Status: Excess
Comment: agriculture production/irrigation
sprinkler system

Washington

Building
Bldg. 88
1917 Marsh Road
Yakima WA 98901–
Property No.: 61200340007
Status: Unutilized
Comment: 1032 sq. ft., presence of asbestos/
lead paint, most recent use—office, off-site
use only

NAVY*Hawaii*

Building
Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640039
Status: Unutilized

Comment: 3412 sq. ft., 2-story, most recent
use—bomb shelter, off-site use only,
relocation may not be feasible

Bldg. S181

Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent
use—bomb shelter, off-site use only,
relocation may not be feasible

Bldg. 219

Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—
damage control, off-site use only,
relocation may not be feasible

Bldg. 220

Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property No.: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—
damage control, off-site use only,
relocation may not be feasible

New York

Building

Building 1

Scotia Navy Depot
Scotia Co: Schenectady NY 12302–9460
Property No.: 77200440021
Status: Excess
Comment: 39,554 sq. ft., needs extensive
repairs, presence of asbestos/lead paint,
most recent use—office

VA*Alabama*

Land

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Property No.: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical
Center, potential utilities, undeveloped

California

Land

4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Property No.: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area

Colorado

Building

Bldg. 2

VAMC 2121 North Avenue
Grand Junction Co: Mesa CO 81501–
Property No.: 97200430001
Status: Unutilized
Comment: 3298 sq. ft., needs major rehab,
presence of asbestos/lead paint

Bldg. 3

VAMC 2121 North Avenue
Grand Junction Co: Mesa CO 81501–
Property No.: 97200430002
Status: Unutilized
Comment: 7275 sq. ft., needs major rehab,
presence of asbestos/lead paint

Indiana

Building

Bldg. 105, VAMC

East 38th Street

Marion Co: Grant IN 46952–

Property No.: 97199230006

Status: Excess

Comment: 310 sq. ft., 1 story stone structure,
no sanitary or heating facilities, Natl
Register of Historic Places

Bldg. 140, VAMC

East 38th Street

Marion Co: Grant IN 46952–

Property No.: 97199230007

Status: Excess

Comment: 60 sq. ft., concrete block bldg.,
most recent use—trash house

Bldg. 7

VA Northern Indiana Health Care System

Marion Campus, 1700 East 38th Street

Marion Co: Grant IN 46953–

Property No.: 97199810001

Status: Underutilized

Comment: 16,864 sq. ft., presence of asbestos,
most recent use—psychiatric ward,
National Register of Historic Places

Bldg. 10

VA Northern Indiana Health Care System

Marion Campus, 1700 East 38th Street

Marion Co: Grant IN 46953–

Property No.: 97199810002

Status: Underutilized

Comment: 16,361 sq. ft., presence of asbestos,
most recent use—psychiatric ward,
National Register of Historic Places

Bldg. 11

VA Northern Indiana Health Care System

Marion Campus, 1700 East 38th Street

Marion Co: Grant IN 46953–

Property No.: 97199810003

Status: Underutilized

Comment: 16,361 sq. ft., presence of asbestos,
most recent use—psychiatric ward,
National Register of Historic Places

Bldg. 18

VA Northern Indiana Health Care System

Marion Campus, 1700 East 38th Street

Marion Co: Grant IN 46953–

Property No.: 97199810004

Status: Underutilized

Comment: 13,802 sq. ft., presence of asbestos,
most recent use—psychiatric ward,
National Register of Historic Places

Bldg. 25

VA Northern Indiana Health Care System

Marion Campus, 1700 East 38th Street

Marion Co: Grant IN 46953–

Property No.: 97199810005

Status: Unutilized

Comment: 32,892 sq. ft., presence of asbestos,
most recent use—psychiatric ward,
National Register of Historic Places

Bldg. 1

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310001

Status: Unutilized

Comment: 20,287 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—patient ward

Bldg. 3

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310002

Status: Unutilized

Comment: 20,550 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—patient ward

Bldg. 4

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310003

Status: Unutilized

Comment: 20,550 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—patient ward

Bldg. 13

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310004

Status: Unutilized

Comment: 8971 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office

Bldg. 19

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310005

Status: Unutilized

Comment: 12,237 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office

Bldg. 20

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310006

Status: Unutilized

Comment: 14,039 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office/storage

Bldg. 42

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310007

Status: Unutilized

Comment: 5025 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office

Bldg. 60

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310008

Status: Unutilized

Comment: 18,126 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—office

Bldg. 122

N. Indiana Health Care System

Marion Co: Grant IN 46952–

Property No.: 97200310009

Status: Unutilized

Comment: 37,135 sq. ft., needs extensive
repairs, presence of asbestos, most recent
use—dining hall/kitchen

Iowa

Land

40.66 acres

VA Medical Center

1515 West Pleasant St.

Knoxville Co: Marion IA 50138–

Property No.: 97199740002

Status: Unutilized

Comment: Golf course, easement
requirements

Ohio

Building

Bldg. 402

VA Medical Center

Dayton Co: Montgomery OH 45428–

Property No.: 97199920004

Status: Unutilized

Comment: 4 floors, potential utilities, needs
major rehab, presence of asbestos/lead
paint, historic property

Pennsylvania

Building

Bldg. 3, VAMC

1700 South Lincoln Avenue

Lebanon Co: Lebanon PA 17042–

Property No.: 97199230012

Status: Underutilized

Comment: Portion of bldg. (4046 sq. ft.), most
recent use—storage, second floor—lacks
elevator access

Texas

Land

Olin E. Teague Veterans Center

1901 South 1st Street

Temple Co: Bell TX 76504–

Property No.: 97199010079

Status: Underutilized

Comment: 13 acres, portion formerly landfill,
portion near flammable materials, railroad
crosses property, potential utilities

Wisconsin

Building

Bldg. 8

VA Medical Center

County Highway E

Tomah Co: Monroe WI 54660–

Property No.: 97199010056

Status: Underutilized

Comment: 2200 sq. ft., 2 story wood frame,
possible asbestos, potential utilities,
structural deficiencies, needs rehab

Land

VA Medical Center

County Highway E

Tomah Co: Monroe WI 54660–

Property No.: 97199010054

Status: Underutilized

Comment: 12.4 acres, serves as buffer
between center and private property, no
utilities

TITLE V PROPERTIES REPORTED IN YEAR 2004 WHICH ARE SUITABLE AND UNAVAILABLE

Air Force*Colorado*

Building

Bldg. 100

La Junta Strategic Range

La Junta Co: Otero CO 81050–9501

Property No.: 18200230001

Status: Excess

Reason: Interest expressed

Bldg. 101

La Junta Strategic Range

La Junta Co: Otero CO 81050–9501

Property No.: 18200230002

Status: Excess

Reason: Interest expressed

Bldg. 102

La Junta Strategic Range

La Junta Co: Otero CO 81050–9501

Property No.: 18200230003

Status: Excess
Reason: Interest expressed
Bldg. 103
La Junta Strategic Range
La Junta Co: Otero CO 81050-9501
Property No.: 18200230004
Status: Excess
Reason: Interest expressed
Bldg. 104
La Junta Strategic Range
La Junta Co: Otero CO 81050-9501
Property No.: 18200230005
Status: Excess
Reason: Interest expressed
Bldg. 106
La Junta Strategic Range
La Junta Co: Otero CO 81050-9501
Property No.: 18200230006
Status: Excess
Reason: Interest expressed

New York

Building
Bldg. 1225
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220014
Status: Unutilized
Reason: Held in trust
Bldg. 1226
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220015
Status: Unutilized
Reason: Held in trust
Bldg. 1227
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220016
Status: Unutilized
Reason: Held in trust
Bldg. 1231
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220017
Status: Unutilized
Reason: Held in trust
Bldg. 1233
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220018
Status: Unutilized
Reason: Held in trust
Bldgs. 1235, 1239
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220019
Status: Unutilized
Reason: Held in trust
Bldg. 1241
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220020
Status: Unutilized
Reason: Held in trust
Bldg. 1243
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220021
Status: Unutilized
Reason: Held in trust
Bldg. 1245
Verona Test Annex
Verona Co: Oneida NY 13478-

Property No.: 18200220022
Status: Unutilized
Reason: Held in trust
Bldg. 1247
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220023
Status: Unutilized
Reason: Held in trust
Bldg. 1250 + land
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220024
Status: Unutilized
Reason: Held in trust
Bldg. 1253
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220025
Status: Unutilized
Reason: Held in trust
Bldg. 1255
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220026
Status: Unutilized
Reason: Held in trust
Bldg. 1261
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220027
Status: Unutilized
Reason: Held in trust
Bldg. 1263
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220028
Status: Unutilized
Reason: Held in trust
Bldgs. 1266, 1269
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220029
Status: Unutilized
Reason: Held in trust
Bldg. 1271
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220030
Status: Unutilized
Reason: Held in trust
Bldg. 1273
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220031
Status: Unutilized
Reason: Held in trust
Bldg. 1277
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220032
Status: Unutilized
Reason: Held in trust
Bldg. 1279
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220033
Status: Unutilized
Reason: Held in trust
Bldg. 1285
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220034
Status: Unutilized

Reason: Held in trust
Bldg. 1287
Verona Test Annex
Verona Co: Oneida NY 13478-
Property No.: 18200220035
Status: Unutilized
Reason: Held in trust

South Dakota

Land
Tract 133
Ellsworth AFB
Box Elder Co: Pennington SD 57706-
Property No.: 18200310004
Status: Unutilized
Reason: Special Legislation
Tract 67
Ellsworth AFB
Box Elder Co: Pennington SD 57706-
Property No.: 18200310005
Status: Unutilized
Reason: Mission purpose

Washington

Building
22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420001
Status: Unutilized
Reason: Mission effort
Bldg. 404/Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420002
Status: Unutilized
Reason: Mission effort
11 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420003
Status: Unutilized
Reason: Mission effort
Bldg. 297/Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420004
Status: Unutilized
Reason: Mission effort
9 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420005
Status: Unutilized
Reason: Mission effort
22 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420006
Status: Unutilized
Reason: Mission effort
51 Bldgs./Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420007
Status: Unutilized
Reason: Mission effort
Bldg. 402/Geiger Heights
Fairchild AFB
Spokane WA 99224-
Property No.: 18200420008
Status: Unutilized
Reason: Mission effort
5 Bldgs./Geiger Heights

Fairchild AFB 222, 224, 271, 295, 260
Spokane WA 99224–
Property No.: 18200420009
Status: Unutilized
Reason: Mission effort
5 Bldgs./Geiger Heights
Fairchild AFB 102, 183, 118, 136, 113
Spokane WA 99224–
Property No.: 18200420010
Status: Unutilized
Reason: Mission effort

Army

Alabama

Building
Bldg. 01433
Fort Rucker
Ft. Rucker Co: Dale AL 36362–
Property No.: 21200220098
Status: Excess
Reason: Being utilized

Colorado

Building
Bldg. T-203
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340079
Status: Unutilized
Reason: Occupied
Bldgs. T-223 thru T-227
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340081
Status: Unutilized
Reason: Occupied
Bldg. S6222
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340082
Status: Unutilized
Reason: Occupied
Bldg. S6264
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200340084
Status: Unutilized
Reason: Occupied
Bldg. 1040
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200410088
Status: Unutilized
Reason: Occupied
Bldgs. P1042, P1043, P1044
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200410089
Status: Unutilized
Reason: Occupied
Bldg. 1045
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200410090
Status: Unutilized
Reason: Occupied
Bldgs. P1046, P1047
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200410091
Status: Unutilized
Reason: Occupied
Bldg. P1049

Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200410092
Status: Unutilized
Reason: Occupied
Bldg. S6220
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200420175
Status: Unutilized
Reason: In use
Bldg. S6285
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200420176
Status: Unutilized
Reason: In use
Bldg. S6287
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property No.: 21200420177
Status: Unutilized
Reason: In use

Georgia

Building
Bldg. 2410
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property No.: 21200140076
Status: Unutilized
Reason: Change in mission requirement
Bldg. T-920
Fort Stewart
Hinesville Co: Liberty GA 31314–
Property No.: 21200240083
Status: Excess
Reason: Mission use
Bldgs. 00960, 00961, 00963
Fort Benning
Ft. Benning Co: Chattahoochee GA
Property No.: 21200330107
Status: Unutilized
Reason: Occupied
Bldg. T201
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420002
Status: Excess
Reason: In use
Bldg. T202
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420003
Status: Excess
Reason: In use
Bldg. T222
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420004
Status: Excess
Reason: In use
Bldg. P223
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420005
Status: Excess
Reason: In use
Bldg. P224
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420006
Status: Excess
Reason: In use

Bldg. T234
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420008
Status: Excess
Reason: In use
Bldg. T235
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420009–
Status: Excess
Reason: In use
Bldg. T702
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420010
Status: Excess
Reason: In use
Bldg. T703
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420011
Status: Excess
Reason: In use
Bldg. T704
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420012
Status: Excess
Reason: In use
Bldg. P813
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420013
Status: Excess
Reason: In use
Bldgs. S843, S844, S845
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420014
Status: Excess
Reason: In use
Bldg. P925
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420015
Status: Excess
Reason: In use
Bldg. S1227
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420016
Status: Excess
Reason: In use
Bldg. S1248
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420017
Status: Excess
Reason: In use
Bldg. S1251
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420018
Status: Excess
Reason: In use
Bldg. T1254
Hunter Army Airfield
Garrison Co: Chatham GA 31409–
Property No.: 21200420019
Status: Excess
Reason: In use
Bldg. S1259
Hunter Army Airfield

Garrison Co: Chatham GA 31049– Property No.: 21200420020 Status: Excess Reason: In use Bldg. S1260 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420021 Status: Excess Reason: In use Bldg. P1275 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420022 Status: Excess Reason: In use Bldg. P1276 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420023 Status: Excess Reason: In use Bldg. P1277 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420024 Status: Excess Reason: In use Bldg. T1412 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420025 Status: Excess Reason: In use Bldg. T1413 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420026 Status: Excess Reason: In use Bldg. P8058 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420028 Status: Excess Reason: In use Bldg. 8658 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420029 Status: Excess Reason: In use Bldg. 8659 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420030 Status: Excess Reason: In use Bldgs. 8675, 8676 Hunter Army Airfield Garrison Co: Chatham GA 31049– Property No.: 21200420031 Status: Excess Reason: In use Bldg. 5962–5966 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420035 Status: Excess Reason: In use Bldgs. 5967–5971 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420036	Status: Excess Reason: In use Bldgs. 5974–5977 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420037 Status: Excess Reason: In use Bldg. 5978 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420038 Status: Excess Reason: In use Bldg. 5981 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420039 Status: Excess Reason: In use Bldgs. 5984–5988 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420040 Status: Excess Reason: In use Bldg. 5993 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420041 Status: Excess Reason: In use Bldg. 5994 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420042 Status: Excess Reason: In use Bldg. 5995 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420043 Status: Excess Reason: In use Bldg. 9000 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420045 Status: Excess Reason: In use Bldgs. 9002, 9005 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420046 Status: Excess Reason: In use Bldg. 9025 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420047 Status: Excess Reason: In use Bldg. 9026 Fort Benning Ft. Benning Co: Chattahoochee GA 31905– Property No.: 21200420048 Status: Excess Reason: In use Bldg. T01 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420181 Status: Excess Reason: In use	Bldg. T04 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420182 Status: Excess Reason: In use Bldg. T05 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420183 Status: Excess Reason: In use Bldg. T06 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420184 Status: Excess Reason: In use Bldg. T08 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420185 Status: Excess Reason: In use Bldg. 00037 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420186 Status: Excess Reason: In use Bldg. T55 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420187 Status: Excess Reason: In use Bldg. T85 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420188 Status: Excess Reason: In use Bldg. T131 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420189 Status: Excess Reason: In use Bldg. T132 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420190 Status: Excess Reason: In use Bldg. T157 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420191 Status: Excess Reason: In use Bldg. 00916 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420192 Status: Excess Reason: In use Bldg. 00923 Fort Stewart Ft. Stewart Co: Liberty GA 31314– Property No.: 21200420193 Status: Excess Reason: In use Bldg. P925 Fort Stewart
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Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420195
Status: Excess
Reason: In use
Bldg. 00926
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420196
Status: Excess
Reason: In use
Bldg. 01002
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420197
Status: Excess
Reason: In use
Bldg. 01003
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420198
Status: Excess
Reason: In use
Bldg. T1004
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420199
Status: Excess
Reason: In use
Bldg. T1023
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420200
Status: Excess
Reason: In use
Bldg. T1041
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420201
Status: Excess
Reason: In use
Bldg. T1043
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420202
Status: Excess
Reason: In use
Bldg. T1045
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420203
Status: Excess
Reason: In use
Bldg. T106
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420204
Status: Excess
Reason: In use
Bldg. T1047
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420205
Status: Excess
Reason: In use
Bldg. T1049
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420206
Status: Excess
Reason: In use
Bldg. T1050
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420207

Status: Excess
Reason: In use
Bldg. T1051
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420208
Status: Excess
Reason: In use
Bldg. T1056
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420209
Status: Excess
Reason: In use
Bldg. T1057
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420210
Status: Excess
Reason: In use
Bldg. T1058
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420211
Status: Excess
Reason: In use
Bldg. T1062
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420212
Status: Excess
Reason: In use
Bldg. T1069
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420213
Status: Excess
Reason: In use
Bldg. T1083
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420214
Status: Excess
Reason: In use
Bldg. 19101
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420215
Status: Excess
Reason: In use
Bldg. 19102
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420216
Status: Excess
Reason: In use
Bldg. T19111
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420217
Status: Excess
Reason: In use
Bldg. 19112
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420218
Status: Excess
Reason: In use
Bldg. 19113
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420219
Status: Excess
Reason: In use

Bldg. T19201
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420220
Status: Excess
Reason: In use
Bldg. 19202
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420221
Status: Excess
Reason: In use
Bldg. 19204 thru 19207
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420222
Status: Excess
Reason: In use
Bldgs. 19208 thru 19211
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420223
Status: Excess
Reason: In use
Bldg. 19212
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420224
Status: Excess
Reason: In use
Bldg. 19213
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420225
Status: Excess
Reason: In use
Bldg. 19214–
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420226
Status: Excess
Reason: In use
Bldg. 19215
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420227
Status: Excess
Reason: In use
Bldg. 19216
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420228
Status: Excess
Reason: In use
Bldg. 19217
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420229
Status: Excess
Reason: In use
Bldg. 19218
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420230
Status: Excess
Reason: In use
Bldgs. 19219, 19220
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420231
Status: Excess
Reason: In use
Bldg. 19223
Fort Stewart

Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420232
Status: Excess
Reason: In use
Bldg. 19225
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420233
Status: Excess
Reason: In use
Bldg. 19226
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420234
Status: Excess
Reason: In use
Bldg. T19228
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420235
Status: Excess
Reason: In use
Bldg. 19229
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420236
Status: Excess
Reason: In use
Bldg. 19232
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420237
Status: Excess
Reason: In use
Bldg. 19233
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420238
Status: Excess
Reason: In use
Bldg. 19236
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420239
Status: Excess
Reason: In use
Bldg. 19238
Fort Stewart
Ft. Stewart Co: Liberty GA 31314–
Property No.: 21200420240
Status: Excess
Reason: In use

Indiana

BuildIng
Bldg. 301
Fort BenjamIn Harrison
Indianapolis Co: Marion In 46216–
Property No.: 21200320098
Status: Unutilized
Reason: Occupied
Bldg. 302
Fort BenjamIn Harrison
Indianapolis Co: Marion In 46216–
Property No.: 21200320099
Status: Unutilized
Reason: Occupied
Bldg. 303
Fort BenjamIn Harrison
Indianapolis Co: Marion In 46216–
Property No.: 21200320100
Status: Unutilized
Reason: Occupied
Bldg. 304

Fort BenjamIn Harrison
Indianapolis Co: Marion In 46216–
Property No.: 21200320101
Status: Unutilized
Reason: Occupied
Bldg. 334
Fort BenjamIn Harrison
Indianapolis Co: Marion In 46216–
Property No.: 21200320102
Status: Unutilized
Reason: Occupied
Bldg. 337
Fort BenjamIn Harrison
Indianapolis Co: Marion In 46216–
Property No.: 21200320103
Status: Unutilized
Reason: Occupied

Maryland

BuildIng
Bldg. 2282C
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Property No.: 21200230059
Status: Unutilized
Reason: Secured
Bldg. 8608
Fort George G. Meade
Ft. Meade MD 20755–5115
Property No.: 21200410099
Status: Unutilized
Reason: Occupied
Bldg. 8612
Fort George G. Meade
Ft. Meade MD 20755–5115
Property No.: 21200410101
Status: Unutilized
Reason: Occupied

Missouri

BuildIng
Bldg. 1230
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200340087
Status: Unutilized
Reason: Occupied
Bldg. 1621
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200340088
Status: Unutilized
Reason: Occupied
Bldg. 6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200340091
Status: Unutilized
Reason: Occupied
Bldg. 9000
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200340092
Status: Unutilized
Reason: Occupied
Bldg. 10201
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200340093

Status: Unutilized
Reason: Occupied
Bldg. 5760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200410102
Status: Unutilized
Reason: Occupied
Bldg. 5762
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200410103
Status: Unutilized
Reason: Occupied
Bldg. 5763
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200410104
Status: Unutilized
Reason: Occupied
Bldg. 5765
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200410105
Status: Unutilized
Reason: Occupied
Bldg. 5760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200420059
Status: Unutilized
Reason: In use
Bldg. 5762
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200420060
Status: Unutilized
Reason: In use
Bldg. 5763
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200420061
Status: Unutilized
Reason: In use
Bldg. 5765
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65743–
8944
Property No.: 21200420062
Status: Unutilized
Reason: In use

New York
Building
Bldgs. 1511–1518
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320160
Status: Unutilized
Reason: Occupied
Bldgs. 1523–1526
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320161
Status: Unutilized

Reason: Occupied
Bldgs. 1704–1705, 1721–1722
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320162
Status: Unutilized
Reason: Occupied

Bldg. 1723
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320163
Status: Unutilized
Reason: Occupied
Bldgs. 1706–1709
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320164
Status: Unutilized
Reason: Occupied
Bldgs. 1731–1735
U.S. Military Academy
Training Area
Highlands Co: Orange NY 10996–
Property No.: 21200320165
Status: Unutilized
Reason: Occupied

North Carolina

Building
Bldgs. A2245, A2345
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240084
Status: Excess
Reason: Mission use
Bldg. N4116
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–
Property No.: 21200240087
Status: Excess
Reason: Mission use

Tennessee

Building
Bldgs. 01551, 01552
Fort Campbell
Ft. Campbell Co: Montgomery TN 42223–
Property No.: 21200230076
Status: Unutilized
Reason: Utilized

Texas

Building
Bldgs. 4219, 4227
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220139
Status: Unutilized
Reason: Admin use
Bldgs. 4229, 4230, 4231
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220140
Status: Unutilized
Reason: Admin use
Bldgs. 4244, 4246
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220141
Status: Unutilized

Reason: Admin use
Bldgs. 4260, 4261, 4262
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200220142
Status: Unutilized
Reason: Admin use
Bldg. 00241
Fort Hood
Ft. Hood Co: Bell TX 76544–Property No.:
21200430067
Status: Unutilized
Reason: Mission purposes
Bldgs. 00242–00244
Fort Hood
Ft. Hood Co: Bell TX 76544–Property No.:
21200430068
Status: Unutilized
Reason: Mission purposes
Bldgs. 00245–00247
Fort Hood
Ft. Hood Co: Bell TX 76544–Property No.:
21200430069
Status: Unutilized
Reason: Mission purposes
Bldgs. 00248–00249
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200430070
Status: Unutilized
Reason: Mission Purposes
Bldgs. 00250–00252
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200430071
Status: Unutilized
Reason: Mission Purposes
Bldgs. 00253–00254
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property No.: 21200430072
Status: Unutilized
Reason: Mission Purposes
Bldg. 00255
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440077
Status: Excess
Reason: Occupied
3 Bldgs.
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440078
Status: Excess
Reason: Occupied
Bldgs. 00259, 00267
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440079
Status: Excess
Reason: Occupied
Bldgs. 00268–00269
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440080
Status: Excess
Reason: Occupied
3 Bldgs.
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440081
Status: Excess
Reason: Occupied

Bldg. 00720
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440082
Status: Excess
Reason: Occupied
Bldg. 00722
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440083
Status: Excess
Reason: Occupied
Bldg. 00728
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440084
Status: Excess
Reason: Occupied
Bldg. 00729
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440085
Status: Excess
Reason: Occupied
Bldgs. 01121, 01156
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440086
Status: Excess
Reason: Occupied
Bldg. 04220
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440087
Status: Excess
Reason: Occupied
Bldgs. 04223–04226
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440088
Status: Excess
Reason: Occupied
Bldg. 04280
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440089
Status: Excess
Reason: Occupied
Bldg. 04335
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440090
Status: Excess
Reason: Occupied
6 Bldgs.
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440091
Status: Excess
Reason: Occupied
Bldg. 04450
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440092
Status: Excess
Reason: Occupied
3 Bldgs.
Fort Hood
Bell Co: TX 76544–
Property No.: 21200440093
Status: Excess
Reason: Occupied
Bldg. 04465
Fort Hood

Bell Co: TX 76544–
 Property No.: 21200440094
 Status: Excess
 Reason: Occupied
 Bldgs. 04466–04467
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440095
 Status: Excess
 Reason: Occupied
 Bldg. 04468
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440096
 Status: Excess
 Reason: Occupied
 Bldg. 04473
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440097
 Status: Excess
 Reason: Occupied
 Bldgs. 04475–04476
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440098
 Status: Excess
 Reason: Occupied
 Bldg. 04477
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440099
 Status: Excess
 Reason: Occupied
 Bldg. 07002
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440101
 Status: Excess
 Reason: Occupied
 Bldgs. 31007, 31009
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440102
 Status: Excess
 Reason: Occupied
 Bldg. 31008
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440103
 Status: Excess
 Reason: Occupied
 Bldg. 31011
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440104
 Status: Excess
 Reason: Occupied
 Bldg. 57001
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440105
 Status: Excess
 Reason: Occupied
 Bldgs. 90039–90040
 Fort Hood
 Bell Co: TX 76544–

Property No.: 21200440106
 Status: Excess
 Reason: Occupied
 Bldgs. 90053–90054
 Fort Hood
 Bell Co: TX 76544–
 Property No.: 21200440107
 Status: Excess
 Reason: Occupied
Virginia
 Building
 Bldg. T2827
 Fort Pickett
 Blackstone Co: Nottoway VA 23824–
 Property No.: 21200320172
 Status: Unutilized
 Reason: Occupied
 Bldg. T2841
 Fort Pickett
 Blackstone Co: Nottoway VA 23824–
 Property No.: 21200320173
 Status: Unutilized
 Reason: Occupied
 Bldg. 03137
 Fort Belvoir
 Ft. Belvoir Co: Fairfax VA 22060–
 Property No.: 21200440110
 Status: Unutilized
 Reason: Occupied
Washington
 Building
 Bldg. 05904
 Fort Lewis
 Ft. Lewis Co: Pierce WA 98433–9500
 Property No.: 21200240092
 Status: Excess
 Reason: Mission use
COE
Illinois
 Building
 Bldg. 7
 Ohio River Locks & Dam No. 53
 Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010001
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Bldg. 6
 Ohio River Locks & Dam No. 53
 Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010002
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Bldg. 5
 Ohio River Locks & Dam No. 53
 Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010003
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Bldg. 4
 Ohio River Locks & Dam No. 53
 Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010004
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Bldg. 3
 Ohio River Locks & Dam No. 53

Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010005
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Bldg. 2
 Ohio River Locks & Dam No. 53
 Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010006
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Bldg. 1
 Ohio River Locks & Dam No. 53
 Grand Chain Co: Pulaski IL 62941–9801
 Property No.: 31199010007
 Status: Unutilized
 Reason: Project integrity and security; safety liability
 Land
 Lake Shelbyville
 Shelbyville Co: Shelby & Moultrie IL 62565–9804
 Property No.: 31199240004
 Status: Unutilized
 Reason: Disposal action initiated
Ohio
 Building
 Bldg.—Berlin Lake 7400 Bedell Road
 Berlin Center Co: Mahoning OH 44401–9797
 Property No.: 31199640001
 Status: Unutilized
 Reason: Utilized as construction office
Pennsylvania
 Building
 Tract 403A
 Grays Landing Lock & Dam Project
 Greensboro Co: Greene PA 15338–
 Property No.: 31199430021
 Status: Unutilized
 Reason: To be transferred to Borough
 Tract 403B
 Grays Landing Lock & Dam Project
 Greensboro Co: Greene PA 15338–
 Property No.: 31199430022
 Status: Unutilized
 Reason: To be transferred to Borough
 Tract 403C
 Grays Landing Lock & Dam Project
 Greensboro Co: Greene PA 15338–
 Property No.: 31199430023
 Status: Unutilized
 Reason: To be transferred to Borough
 Land
 East Branch Clarion River Lake
 Wilcox Co: Elk PA
 Property No.: 31199011012
 Status: Underutilized
 Reason: Location near damsite
 Dashields Locks and Dam
 (Glenwillard, PA)
 Crescent Twp. Co: Allegheny PA 15046–0475
 Property No.: 31199210009
 Status: Unutilized
 Reason: Leased to Township
Energy
Idaho
 Building
 Bldg. CFA–613
 Central Facilities Area

Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Property No.: 41199630001
Status: Unutilized
Reason: Historical issues

GSA*Alaska*

Building
House 910 S. Felton Street
Tsunami Warning Center
Palmer Co: AK
Property: Property No.: 54200430007
Status: Surplus
GSA Number : 9–C–AK–794
Reason: Interest by city

Michigan

Land
IOM Site
Chesterfield Road
Chesterfield Co: Macomb MI
Property No.: 54200340008
Status: Excess
GSA Number : 1–D–MI–0603F
Reason: Public body interest

Minnesota

Building
MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Property No.: 54199930003
Status: Excess
GSA Number : 1–D–MN–575
Reason: Federal interest

Missouri

Building
Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Property No.: 54199940001
Status: Excess
GSA Number : 7–G–MO–637
Reason: Contaminated

New Jersey

Building
Parcels 3, 4, 5
Former Coast Guard Station
Beach Haven Co: Ocean NJ 08008–
Property No.: 54200420005
Status: Excess
GSA Number : 1–U–NJ–499B
Reason: Interest in public benefit conveyance

Land

Belle Mead Depot
Rt. 206/Mountain View Rd.
Hillsborough Co: Somerset NJ 08502–
Property No.: 54200210014
Status: Excess
GSA Number : 1–G–NJ–0642
Reason: Environmental

New Mexico

Building
Calsbad Federal Building
114 South Halagueno

Calsbad Co: Eddy NM 88220–5738
Property No.: 54200430020
Status: Surplus
GSA Number : 7–G–NM–0570
Reason: Negotiated sale

New York

Building
Social Sec. Admin. Bldg.
517 N. Barry St.
Olean NY 10278–0004
Property No.: 54200230009
Status: Excess
GSA Number : 1–G–NY–0895
Reason: Environmental questions
Hancock Army Complex
Track 4
Stewart Drive West
Cicero Co: Onondaga NY 13039–
Property No.: 54200310013
Status: Excess
GSA Number : 1–D–NY–803
Reason: Negotiated sale

Tennessee

Building
3 Facilities, Guard Posts
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property No.: 54199930011
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: Negotiated sale
Federal Building
204 North Second Street
Clarksville Co: Montgomery TN 37040–
Property No.: 54200430003
Status: Excess
GSA Number : 4–G–TN–0654
Reason: Expression of interest for education

West Virginia

Building
Social Security Bldg.
50 16th Street
Wheeling Co: Ohio WV 25301–
Property No.: 54200430019
Status: Excess
GSA Number : 4–G–WV–0549
Reason: Expressions of interest

VA

Iowa
Land
38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property No.: 97199740001
Status: Unutilized
Reason: Enhanced-Use Legislation potential

Michigan

Land
VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Property No.: 97199010015

Status: Underutilized
Reason: Being used for patient and program activities.

Montana

Building
VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301–
Property No.: 97200030001
Status: Underutilized
Reason: Transfer to Custer County

New York

Land
VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Property No.: 97199010017
Status: Underutilized
Reason: Portion leased; portion landlocked

Ohio

Building
Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Property No.: 97199920002
Status: Unutilized
Reason: Preexisting agreement

Pennsylvania

Land
VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Property No.: 97199010016
Status: Underutilized
Reason: Used as natural drainage for facility property.
Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Property No.: 97199010080
Status: Unutilized
Reason: Property is essential to security and safety of patients
Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Property No.: 97199340001
Status: Underutilized
Reason: Needed for mission related functions

Wisconsin

Building
Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Property No.: 97199830002
Status: Underutilized
Reason: Subject of leasing negotiations
[FR Doc. 05–2475 Filed 2–10–05; 8:45 am]

BILLING CODE 4210–29–P



Federal Register

**Friday,
February 11, 2005**

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 95

**Redesignation of Mountainous Areas in
Alaska; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 95**

[Docket No.: FAA-2004-19352; Amendment No. 95-340]

RIN 2120-A144

Redesignation of Mountainous Areas in Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule updates the designated mountainous areas in the State of Alaska. Regulations currently designating mountainous areas in Alaska were established in 1956. Since that time, we have concluded that areas previously considered non-mountainous should be expanded, and two areas previously designated mountainous should be considered non-mountainous. This final rule will allow aircraft operating in certain non-mountainous areas to fly at altitudes acceptable for the actual topography of the area.

DATES: This amendment becomes effective March 14, 2005.

FOR FURTHER INFORMATION CONTACT:

Richard W. Girard, Flight Standards Division, Technical Standards Branch, AAL-233, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-3578.

SUPPLEMENTARY INFORMATION:**Availability of Rulemaking Documents**

You can get an electronic copy using the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);
- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/arm/index.cfm>; or
- (3) Accessing the Government Printing Office's Web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the amendment number or docket number of this rulemaking.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if

submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (volume 65, number 70; pages 19477-78) or you may visit <http://dms.dot.gov>.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact its local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at <http://www.faa.gov/avr/arm/sbrefa.cfm>.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations on the flight of aircraft (including regulations on safe altitudes). This regulation is within the scope of that authority because it prescribes minimum safe altitude requirements for operations in Alaska.

Background

This final rule updates designated mountainous areas within the State of Alaska. It expands areas considered non-mountainous and adds two more areas to accurately reflect the true topography of the land.

On October 14, 2004, the FAA published a Notice of Proposed Rulemaking (NPRM), "Redesignation of Mountainous Areas in Alaska" (69 FR 61128; October 14, 2004). In it, you will find a history of the problem and a discussion of the safety considerations supporting our course of action. You will see that an update of these regulations is overdue and that this action is welcomed by pilots/operators in Alaska. We explain in the NPRM that we are not compromising safety; rather we are more accurately identifying areas with mountainous terrain and areas with non-mountainous terrain.

Since this rule will actually correct our designation of mountainous areas, options or alternatives are not abundant. Without this rule, pilots in Alaska would be forced to continue to operate in areas incorrectly identified as mountainous, thereby forcing minimum altitudes to remain unreasonable for these affected areas. The alternative to this rule would be to not act, and that would be a disservice to pilots operating in the affected areas.

Discussion of Comments

The comment period for the NPRM closed on November 15, 2004. As of November 16, 2004, we had received 13 comments in response to the proposal. The comments are summarized as follows:

- 11 of the comments submitted were in favor of the proposal.
- 1 comment was a brief warning about the effect of the proposal.
- 1 comment did not agree with the proposal, but seemed to misunderstand the explanation for the proposal.

The 11 comments in favor ranged from anonymous commenters that felt that the proposal was overdue, to papers written presumably as an assignment for a college class. These commenters agreed with our proposal and felt that the change would result in a safer flying environment in Alaska.

One commenter wrote that, "Redesignation of mountainous areas in Alaska may be a problem in the long run." This was the entire comment with no supporting material for the conclusion.

One commenter felt that we might be endangering pilots by redesignating the mountainous areas we mentioned in the proposed rule. We believe the commenter may have misunderstood the basis for the proposal. We are not allowing a pilot to fly lower in mountainous terrain, which it seems the commenter believed was the intention of the proposal. Instead, this proposal is updating the designated areas to more accurately reflect the terrain. The areas we propose to remove from the mountainous designation are not mountainous. We are correcting our regulations to reflect the actual topography of the land. The information gathered to make this conclusion was not available when the regulation was originally written. We are not lessening requirements on pilots to maintain minimum altitudes because we feel technology is more advanced, we are correctly identifying areas we previously thought were mountainous.

Paperwork Reduction Act

There are no current or new requirements for information collection associated with this amendment.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, Regulatory Planning and Review, directs the FAA to assess both the costs and the benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify its costs. Our assessment of this rulemaking indicates that its economic impact is minimal because we are simply updating a designation. Because the costs and benefits of this action do not make it a "significant regulatory action" as defined in the Order, we have not prepared a "regulatory impact analysis." Similarly, we have not prepared a full "regulatory evaluation," which is the written cost/benefit analysis ordinarily required for all rulemaking under the DOT Regulatory and Policies and Procedures. We do not need to do a full evaluation where the economic impact of a rule is minimal.

Economic Assessment, Regulatory Flexibility Determination, Trade Impact Assessment, and Unfunded Mandates Assessment

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act also requires agencies to consider international standards and, where appropriate, use them as the basis of U.S. standards. Fourth, the Unfunded

Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation.)

The FAA has determined this rule (1) has benefits that justify its negligible costs, is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866 and is not "significant" as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant economic impact on a substantial number of small entities; (3) does not affect international trade; and (4) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. These analyses are summarized below.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) directs the FAA to fit regulatory requirements to the scale of the business, organizations, and governmental jurisdictions subject to the regulation. We are required to determine whether a proposed or final action will have a "significant economic impact on a substantial number of small entities" as they are defined in the Act. If we find that the action will have a significant impact, we must do a "regulatory flexibility analysis."

This final rule updates the areas in Alaska that are considered mountainous. It will allow aircraft operating in certain non-mountainous areas to fly at altitudes acceptable for the actual topography of the area. Therefore, we certify that this action will not have a significant economic impact on a substantial number of small entities.

Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this rulemaking and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of \$120.7 million in lieu of \$100 million.

This final rule does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, and therefore does not have federalism implications.

Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the FAA, when modifying its regulations in a manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions. In the NPRM, we requested comments on whether the proposed rule should apply differently to intrastate operations in Alaska. We didn't receive any comments opposing the proposal based on intrastate travel in Alaska. We have determined, based on the administrative record of this rulemaking, that there is no need to make any regulatory distinctions applicable to intrastate aviation in Alaska.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this

rulemaking action qualifies for the categorical exclusion identified in paragraph 312(d) and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects in 14 CFR Part 95

Air traffic control, Airspace, Alaska, Navigation (air), Puerto Rico.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 95—IFR ALTITUDES

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Section 95.17 is revised to read as follows:

§ 95.17 Alaska Mountainous Area.

All of the following area excluding those portions specified in the exceptions:

(a) *Area.* The State of Alaska.

(b) *Exceptions;*

(1) *Fairbanks—Nenana Area.*

Beginning at latitude 64°54' N, longitude 147°00' W; thence to latitude 64°50' N, longitude 151°22' W, thence to latitude 63°50' N, longitude 152°50' W;

thence to latitude 63°30' N, longitude 152°30' W; thence to latitude 63°30' N, longitude 151°30' W; thence to latitude 64°05' N, longitude 150°30' W; thence to latitude 64°20' N, longitude 149°00' W; thence to latitude 64°07' N, longitude 146°30' W; thence to latitude 63°53' N, longitude 146°00' W; thence to latitude 63°53' N, longitude 145°00' W; thence to latitude 64°09' N, longitude 145°16' W; thence to latitude 64°12' N, longitude 146°00' W; thence to latitude 64°25' N, longitude 146°37' W; thence to latitude 64°54' N, longitude 147°00' W, point of beginning.

(2) *Anchorage—Homer Area.*

Beginning at latitude 61°50' N, longitude 151°12' W; thence to latitude 61°24' N, longitude 150°28' W; thence to latitude 61°08' N, longitude 151°47' W; thence to latitude 59°49' N, longitude 152°40' W; thence to latitude 59°25' N, longitude 153°10' W; thence to latitude 59°00' N, longitude 153°10' W; thence to latitude 59°33' N, longitude 151°28' W; thence to latitude 60°31' N, longitude 150°43' W; thence to latitude 61°13' N, longitude 149°39' W; thence to latitude 61°37' N, longitude 149°15' W; thence to latitude 61°44' N, longitude 149°48' W; thence to latitude 62°23' N, longitude 149°54' W; thence to latitude 62°23' N, longitude 150°14' W; thence to latitude 61°50' N, longitude 151°12' W, point of beginning.

(3) *King Salmon—Port Heiden Area.*

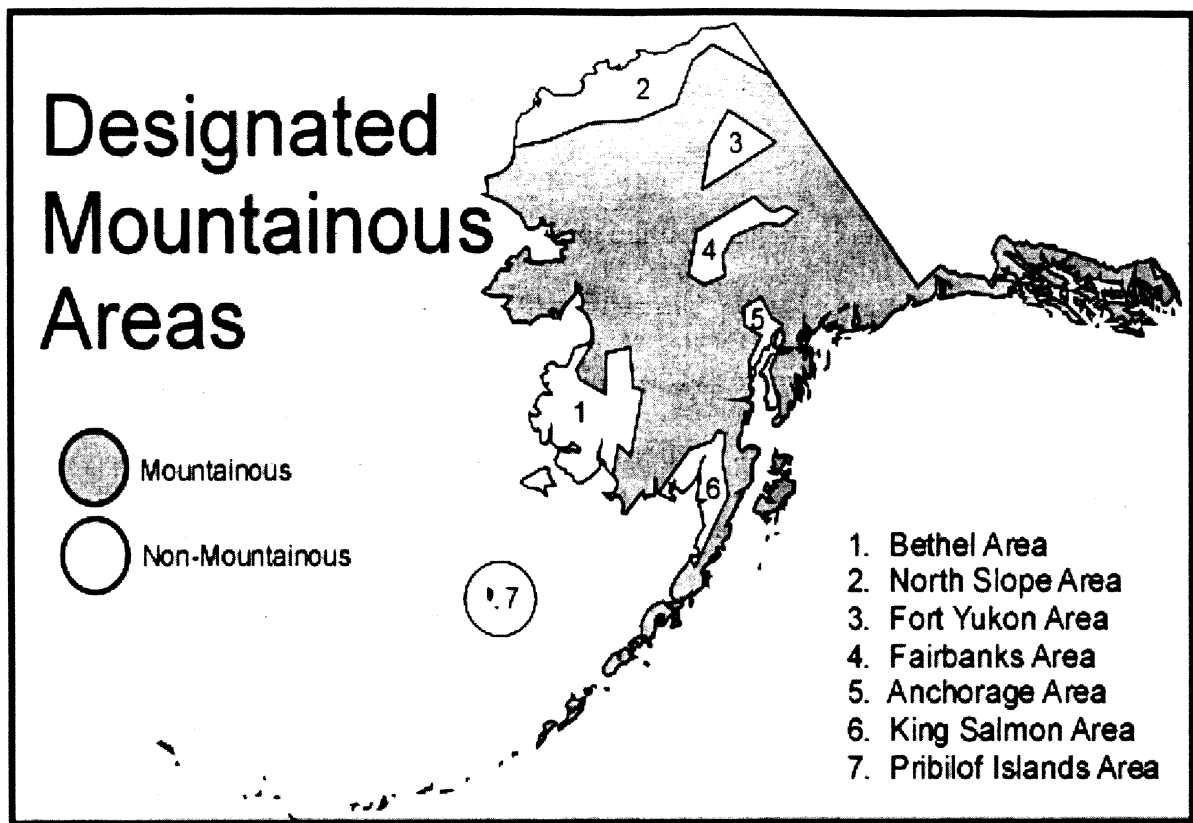
Beginning at latitude 58°49' N, longitude 159°30' W; thence to latitude 59°40' N, longitude 157°00' W; thence to latitude 59°40' N, longitude 155°30' W; thence to latitude 59°50' N, longitude 154°50' W; thence to latitude 59°35' N, longitude 154°40' W; thence to latitude 58°57' N, longitude 156°05' W; thence to latitude 58°00' N, longitude 156°20' W; thence to latitude 57°00' N, longitude 158°20' W; thence to latitude 56°43' N, longitude 158°39' W; thence to latitude 56°27' N, longitude 160°00' W; thence along the shoreline to latitude 58°49' N, longitude 159°30' W, point of beginning.

(4) *Bethel—Aniak Area.* Beginning at latitude 63°28' N, longitude 161°30' W; thence to latitude 62°40' N, longitude 163°03' W; thence to latitude 62°05' N, longitude 162°38' W; thence to latitude 61°51' N, longitude 160°43' W; thence to latitude 62°55' N, longitude 160°30' W; thence to latitude 63°00' N, longitude 158°00' W; thence to latitude 61°45' N, longitude 159°30' W; thence to latitude 61°34' N, longitude 159°15' W; thence to latitude 61°07' N, longitude 160°20' W; thence to latitude 60°25' N, longitude 160°40' W; thence to latitude 59°36' N, longitude 161°49' W; thence along the shoreline to latitude 63°28' N, longitude 161°30' W; point of beginning; and Nunivak Island.

(5) *North Slope Area.* Beginning at a point where latitude 69°30' N intersects the northwest coast of Alaska and eastward along the 69°30' parallel to latitude 69°30' N, longitude 156°00' W; thence to latitude 69°10' N, longitude 153°00' W; thence eastward along the 69°10' N parallel to latitude 69°10' N, longitude 149°00' W; thence to latitude 69°50' N, longitude 146°00' W; thence eastward along the 69°50' N parallel to latitude 69°50' N, longitude 145°00' W; thence to latitude 69°35' N, longitude 141°00' W; thence northward along the 141°00' W Meridian to a point where the 141°00' W Meridian intersects the northeast coastline of Alaska; thence westward along the northern coastline of Alaska to the intersection of latitude 69°30' N; point of beginning.

(6) *Fort Yukon Area.* Beginning at latitude 67°20' N, longitude 144°00' W; thence to latitude 66°00' N, longitude 143°00' W; thence to latitude 66°05' N, longitude 149°00' W; thence to latitude 66°45' N, longitude 148°00' W; thence to latitude 67°00' N, longitude 147°00' W; thence to latitude 67°20' N, longitude 144°00' W; point of beginning.

(7) The islands of Saint Paul and Saint George, together known as the Pribilof Islands, in the Bering Sea.



* * * * *

Issued in Washington, DC, on February 4, 2005.

Marion C. Blakey,
Administrator.

[FR Doc. 05-2594 Filed 2-10-05; 8:45 am]

BILLING CODE 4910-13-P



Federal Register

**Friday,
February 11, 2005**

Part IV

Environmental Protection Agency

**Fifty-Fifth Report of the TSCA Interagency
Testing Committee to the Administrator
of the Environmental Protection Agency;
Receipt of Report and Request for
Comments; Notice**

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2004-0130; FRL-7692-1]

Fifty-Fifth Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) transmitted its Fifty-Fifth Report to the Administrator of EPA on December 8, 2004. In the 55th ITC Report, which is included with this notice, the ITC is revising the *Priority Testing List* by adding a category of high production volume (HPV) orphan chemicals and requesting that EPA add these chemicals to the TSCA section 8(a) Preliminary Assessment Information Reporting (PAIR) rule and the TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rule. The ITC is also removing the following chemicals from the *Priority Testing List*: 3-amino-5-mercapto-1,2,4-triazole; glycoluril; benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-; stannane, dimethylbis[(1-oxoneodecyl)oxy]-; benzene, 1,3,5-tribromo-2-(2-propenyloxy)-; and 1-triazene, 1,3-diphenyl-.]. Since the 55th Report was ITC transmitted to the Administrator and made publicly available on <http://www.epa.gov/opptintr/itc/>, five HPV orphan chemicals have been removed from the *Priority Testing List* because chemical manufacturers committed to prepare robust summaries for these chemicals in response to the HPV Challenge Program. The ITC encourages other manufacturers to make similar commitments so their chemicals can be removed from the *Priority Testing List* and potentially avoid being added to PAIR and HaSDR rules.

DATES: Comments, identified by docket identification (ID) number OPPT-2004-0130, must be received on or before March 14, 2005.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: For general information contact:

Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental

Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: John D. Walker, Director, TSCA Interagency Testing Committee (7401), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; e-mail address: walker.johnd@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This notice is directed to the public in general. It may, however, be of particular interest to you if you manufacture (defined by statute to include import) and/or process TSCA-covered chemicals and you may be identified by the North American Industrial Classification System (NAICS) codes 325 and 32411. Because this notice is directed to the general public and other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPPT-2004-0130. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document

electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. You may also access additional information about the ITC at <http://www.epa.gov/opptintr/itc/> or through the web site for the Office of Prevention, Pesticides and Toxic Substances (OPPTS) at <http://www.epa.gov/opptsfrs/home/opptsim.htm/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide

a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit

comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPPT-2004-0130. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to oppt.ncic@epa.gov, Attention: Docket ID Number OPPT-2004-0130. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT-2004-0130. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be

disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views and comments on the ITC's 55th Report. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. Provide specific examples to illustrate your concerns.
5. Make sure to submit your comments by the deadline in this notice.
6. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

The Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*) authorizes the Administrator of the EPA to promulgate regulations under section 4(a) of TSCA requiring testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the ITC to recommend chemicals and chemical groups to the Administrator of the EPA for priority testing consideration. Section 4(e) of TSCA directs the ITC to revise the TSCA section 4(e) *Priority Testing List* at least every 6 months.

A. The ITC's 55th Report

The 55th ITC Report was transmitted to EPA's Administrator on December 8,

2004, and is included in this notice. In the 55th ITC Report, the ITC is revising the *Priority Testing List* by adding a category of HPV orphan chemicals and requesting that EPA add these chemicals to the TSCA section 8(a) PAIR rule and the TSCA section 8(d) HaSDR rule. The ITC is also removing the following chemicals from the *Priority Testing List*: 3-amino-5-mercapto-1,2,4-triazole; glycoluril; benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-; stannane, dimethylbis[(1-oxoneodecyl)oxy]-; benzene, 1,3,5-tribromo-2-(2-propenyloxy)-; and 1-triazene, 1,3-diphenyl-.

B. Status of the Priority Testing List

The current TSCA 4(e) *Priority Testing List* as of December 2004 can be found in Table 1 of the 55th ITC Report, which is included in this notice.

List of Subjects

Environmental protection, Chemicals, Hazardous substances.

Dated: February 3, 2005.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

Fifty-Fifth Report of the TSCA Interagency Testing Committee to the Administrator, U.S. Environmental Protection Agency

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4. Stannane, dimethylbis[(1-oxoneodecyl)oxy]-.
5. Benzene, 1,3,5-tribromo-2-(2-propenyloxy)-.
6. 1-Triazene, 1,3-diphenyl-.
- V. References
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Summary

In this 55th ITC Report, the ITC is revising the *Priority Testing List* by adding a category of High Production Volume (HPV) orphan chemicals and requesting that EPA add these chemicals to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Reporting (PAIR) rule and the TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rule. The ITC is also removing the following chemicals from the *Priority Testing List*: 3-amino-5-mercapto-1,2,4-triazole; glycoluril; benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-; stannane, dimethylbis[(1-oxoneodecyl)oxy]-; benzene, 1,3,5-tribromo-2-(2-propenyloxy)-; and 1-triazene, 1,3-diphenyl-.

The TSCA section 4(e) *Priority Testing List* is Table 1 of this unit.

TABLE 1.—THE TSCA SECTION 4(E) PRIORITY TESTING LIST (NOVEMBER 2004)

ITC Report	Date	Chemical name/group	Action
31	January 1993	13 Chemicals with insufficient dermal absorption rate data	Designated
32	May 1993	16 Chemicals with insufficient dermal absorption rate data	Designated
35	November 1994	4 Chemicals with insufficient dermal absorption rate data	Designated
37	November 1995	4-Tert-butylphenol and Branched nonylphenol (mixed isomers)	Recommended
41	November 1997	Phenol, 4-(1,1,3,3-tetramethylbutyl)-	Recommended
47	November 2000	9 Indium compounds	Recommended
51	November 2002	18 Vanadium compounds	Recommended
53	November 2003	3 Pyridinamines	Recommended
53	November 2003	20 Tungsten compounds	Recommended
55	November 2004	HPV orphan chemicals	Recommended

I. Background

The ITC was established by section 4(e) of TSCA “to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of rules for testing under section 4(a).... At least every six months ..., the Committee shall make such revisions to the *Priority Testing List* as it determines to be necessary and transmit them to the Administrator together with the Committee's reasons for the revisions” (Public Law 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*). ITC Reports are available from the ITC's web site (<http://www.epa.gov/opptintr/itc/>) within a few days of

submission to the Administrator and from the EPA's web site <http://www.epa.gov/fedrgstr/> after publication in the **Federal Register**. The ITC produces its revisions to the *Priority Testing List* with administrative and technical support from the ITC Staff and ITC Members and their U.S. Government organizations, and contract support provided by EPA. ITC Members and Staff are listed at the end of this report.

II. TSCA Section 8 Reporting

A. TSCA Section 8 Reporting Rules

Following receipt of the ITC's Report (and the revised *Priority Testing List*) by the EPA Administrator, the EPA's Office of Pollution Prevention and Toxics (OPPT) may add the

chemicals from the revised *Priority Testing List* to the TSCA section 8(a) Preliminary Assessment Information Reporting (PAIR) and TSCA section 8(d) Health and Safety Data Reporting (HaSDR) rules. The PAIR rule requires producers and importers of chemicals added to the *Priority Testing List* to submit production and exposure reports (<http://www.epa.gov/opptintr/chemtest/pairform.pdf>). The HaSDR rule requires producers, importers and processors of all chemicals added to the *Priority Testing List* to submit unpublished health and safety studies under TSCA section 8(d) that must be in compliance with the revised HaSDR rule (Ref. 1). All submissions must be received by the EPA within 90 days of the reporting rules **Federal Register** publication date.

B. ITC's Use of TSCA Section 8 and Other Information

The ITC's use of TSCA section 8 and other information is described in previous ITC Reports (<http://www.epa.gov/opptintr/itc/rptmain.htm>).

C. Previous Requests to Add Chemicals to the TSCA Section 8(a) PAIR Rule

In its 53rd Report, the ITC requested that EPA add 3 pyridinamines and 20 tungsten compounds to the TSCA section 8(a) PAIR rule (Ref. 2). On December 7, 2004, EPA issued a final rule, pursuant to TSCA section 8(a) requiring producers and importers of these 23 chemicals to report production, importation, and exposure data to EPA (Ref. 3).

D. New Requests to Add Chemicals to the TSCA Section 8(a) PAIR and 8(d) HaSDR Rules

In this report, the ITC is requesting that EPA add the HPV orphan chemicals listed in Appendix A to the TSCA section 8(a) PAIR and 8(d) HaSDR rules. The ITC is requesting that these HPV orphan chemicals be added to the TSCA section 8(a) PAIR and 8(d) HaSDR rules because no voluntary studies have been submitted to the EPA in response to the HPV Challenge Program (<http://www.epa.gov/opptintr/chemrtk/volchall.html>).

III. ITC's Activities During this Reporting Period (May to November 2004)

During this reporting period, the ITC reviewed the reports submitted in response to the June 11, 2003, PAIR rule (Ref. 4) and the May 4, 2004, TSCA section 8(d) HaSDR rule (Ref. 5). The ITC is continuing to review these reports.

The ITC also met with EPA to discuss procedures for making data publicly available on HPV orphan chemicals (HPV chemicals for which no sponsors have volunteered to develop and submit robust summaries to the EPA). The ITC's discussions with EPA are described in section IV. of this report.

As noted in the 51st and 54th ITC Reports (Refs. 6 and 7), the ITC continues to request the following information on vanadium compounds:

1. Recent non-CBI estimates of annual production or importation volume data and trends, and use information, including percentages of production or importation that are associated with different uses.
2. Estimates of the number of humans and concentrations of vanadium chemicals to which humans may be exposed in each relevant manufacturing or processing scenario.
3. Health effects data including pharmacokinetics, genotoxicity, subchronic toxicity, reproductive and developmental toxicity, and any human data from occupationally exposed workers.

The ITC seeks this information in order to adequately assess the extent and degree of exposure and potential hazard associated with the various forms of vanadium.

In addition, the ITC is concerned that some of these compounds may be released into fly ash ponds at power plants, petroleum and

chemical refineries, and mining sites and could be toxic to avian and wildlife species as exemplified by a recent report of dead and dying Canada geese at a petroleum refinery fly ash pond in Delaware. In these geese, the vanadium concentrations in pooled liver and kidney samples were 57 and 226 µg/gram (g) dry weight, respectively. Background concentrations of vanadium in various tissues of higher vertebrates, including waterfowl, rarely exceed 1 µg/g dry weight. Limited data are available on vanadium toxicity in birds and other wildlife making it difficult to interpret the findings from the geese die-off.

The ITC knows that vanadium is released into impoundments at 172 facilities in 33 states and that the TRI does not have vanadium concentrations for these impoundments. The ITC is soliciting data on concentrations and species of vanadium compounds in impoundments at power plants, petroleum and chemical refineries, and mining sites and information on the use, release, and presence of vanadium compounds at these facilities. The ITC needs these data and information to determine if avian wildlife in the vicinity of the 172 facilities are at risk from exposure to vanadium compounds. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

IV. Revisions to the TSCA Section 4(e) Priority Testing List

A. Chemicals Added to the Priority Testing List: HPV Orphan Chemicals

1. *Recommendation.* EPA requests that the ITC add the category HPV orphan chemicals listed in Appendix A of this report to the *Priority Testing List* to obtain importation, production, use, and exposure information as well as unpublished physical/chemical property, environmental fate, health effects, and ecological effects information to meet U.S. Government data needs.

2. *Rationale for recommendation.* While the success of the HPV Challenge Program has been significant, hundreds of chemicals that were eligible for sponsorship in the Program continue to remain unsponsored. These chemicals are referred to as "orphans." There is little or no publicly available information regarding the potential hazards associated with these chemicals. EPA remains committed to obtain basic screening level hazard information on these chemicals through voluntary sponsorship, as well as through TSCA information gathering and test rules, as necessary.

3. *Supporting information.* In developing the list of HPV orphan chemicals presented in Appendix A of this report, EPA considered all of the HPV orphan chemicals and then removed selected HPV orphan chemicals. The HPV orphan chemicals presented in Appendix A of this report do not include those HPV orphan chemicals that:

- a. Had 2002 Inventory Update rule reported production/importation volumes > one million pounds (<http://www.epa.gov/oppt/iur/iur02/index.htm>) and were proposed for testing in the first HPV test rule (Ref. 8).

- b. Meet the "No Longer HPV" criteria (i.e., chemicals with production/importation volumes < 1 million pounds based on 1998 and 2002 Inventory Update Rule data (<http://www.epa.gov/oppt/iur/iur02/index.htm>)).

- c. Are being considered for a second HPV TSCA section 4 test rule because they may meet the TSCA section 4(a)(1)(B) statutory requirements.

At EPA's request, the ITC encourages manufacturers of these chemicals to visit the EPA's HPV Challenge Program web site (<http://www.epa.gov/opptintr/chemrtk/volchall.htm>) and to make a commitment to sponsor these chemicals at the present time, before regulatory actions are initiated. EPA will initiate development of TSCA section 8(a) PAIR and 8(d) HaSDR rules soon after these chemicals are added to the *Priority Testing List* and the ITC's 55th Report is published in the **Federal Register**. Also at EPA's request, the ITC encourages the submission of robust summaries of studies submitted under the TSCA section 8(d) HaSDR rule to facilitate EPA's review of the unpublished TSCA section 8(d) studies (see USEPA. 1999. Draft Guidance on Developing Robust Summaries. October 22, 1999 (<http://www.epa.gov/chemrtk/robsumgd.htm>)). While some of the HPV orphan chemicals have been previously added to the TSCA section 8(d) HaSDR rule, all of the sunset dates for these chemicals have expired (see Appendix A of this report), thus new and so far unreported studies would need to be submitted. Information about the environmental fate and potential hazards associated with these chemicals when combined with information about exposure and uses will allow the EPA and others to evaluate and prioritize potential health and environmental effects and determine the need for test rules under TSCA section 4(a). If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

4. *Information needs.* For each individual substance listed in Appendix A of this report, EPA needs the following information to assess the extent and degree of exposure and potential hazard associated with these substances:

- a. Production, importation, processing, use and associated exposure information that is captured under the TSCA section 8(a) PAIR form.
- b. Unpublished studies of:
 - i. Physical/chemical properties and environmental fate for the properties listed in 40 CFR 716.50 as well as melting point and boiling point.
 - ii. Health effects including pharmacokinetics, genotoxicity, acute toxicity, subacute toxicity, subchronic toxicity, chronic toxicity, reproductive toxicity, developmental toxicity, immunotoxicity, neurotoxicity, and oncogenicity/carcinogenicity.
 - iii. Ecological effects including acute and chronic toxicity studies of aquatic and terrestrial vertebrates and invertebrates and aquatic plants.
- c. Only studies where the recommended HPV orphan chemical is ≥ 90% of the test substance by weight should be submitted. In

addition, only studies that were conducted using TSCA, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Organization for Economic Cooperation and Development (OECD), or other internationally accepted test guidelines or voluntary consensus standards should be submitted. Studies performed where the recommended HPV orphan chemical is < 90% of the test substance by weight are not requested at this time.

B. Chemicals Removed From the Priority Testing List

1. *3-Amino-5-mercapto-1,2,4-triazole*. 3-Amino-5-mercapto-1,2,4-triazole (Chemical Abstracts Service Registry Number (CAS No.) 16691-43-3) was added to the *Priority Testing List* in the ITC's 42nd Report to obtain annual production/importation volumes and trends, use, exposure, and health effects data (Ref. 9). The addition was based on concerns that 3-amino-5-mercapto-1,2,4-triazole was structurally related to 3-amino-1,2,4-triazole (Amitrol®), a herbicide that affects thyroid hormone activity (Ref. 10). In response to the ITC's request, the EPA added 3-amino-5-mercapto-1,2,4-triazole to the July 24, 2000, PAIR rule (Ref. 11) and the May 4, 2004 HaSDR rule (Ref. 5). Numerous studies were submitted in response to the HaSDR rule. These studies are summarized in this unit. 3-Amino-5-mercapto-1,2,4-triazole was positive in the mouse bone marrow micronucleus test, clastogenic to rat lymphocytes, but not mutagenic in the Ames assay using strains TA98, 100, 1535, and 1537 or in the *E. coli* assay, using strain WP2 uvrA-. 3-Amino-5-mercapto-1,2,4-triazole was a mild eye and skin irritant, but not a skin sensitizer. In a 4-week inhalation study the no observed effect level of 3-amino-5-mercapto-1,2,4-triazole was 20 milligram/meter cubed (mg/m³).

3-Amino-5-mercapto-1,2,4-triazole is being removed from the *Priority Testing List* because information submitted in response to the PAIR rule suggested that 3-amino-5-mercapto-1,2,4-triazole is an on-site intermediate and the production/importation volumes were lower than the 250,000 pounds of 3-amino-5-mercapto-1,2,4-triazole imported into the United States in 1993 (Ref. 9).

2. *Glycoluril*. Glycoluril (CAS No. 496-46-8) was also added to the *Priority Testing List* in the ITC's 42nd Report to obtain annual production/importation volumes and trends, use, exposure, and health effects data. The addition was based on a potential for human exposure and a suspicion of carcinogenicity (Ref. 9). In response to the ITC's request, the EPA added glycoluril to the July 24, 2000 PAIR rule (Ref. 11) and the May 4, 2004 HaSDR rule (Ref. 5). No studies were submitted in response to the HaSDR rule.

Glycoluril is being removed from the *Priority Testing List* because information submitted in response to the PAIR rule suggested that glycoluril is an on-site intermediate and the production/importation volumes were less than the 10,000 to 1,000,000 pounds of non-CBI annual production/importation volumes reported to the EPA in 1986, 1990, and 1994 (Ref. 9).

3. *Benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)*. Benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-

(trifluoromethyl)- (aka 3-Chlorotrifluralin (CAS No. 29091-20-1) was added to the *Priority Testing List* in the ITC's 48th Report to obtain information on uses, exposures, environmental releases, pharmacokinetics, subchronic toxicity, mutagenicity, reproductive and developmental effects, carcinogenicity, and ecological effects (Ref. 12). Benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)- was added to the *Priority Testing List* because it has an estimated bioconcentration factor (BCF) of 7,700 and is a chlorinated analog of trifluralin (CAS No. 1582-09-8), the herbicide that causes adverse effects in experimental animals and is considered to be a possible human carcinogen by the EPA (Ref. 12).

In response to the ITC's request, the EPA added benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)- to the June 11, 2003 PAIR rule (Ref. 4) and the May 4, 2004 TSCA section 8(d) HaSDR rule (Ref. 5). No information was submitted in response to the PAIR or HaSDR rules. The ITC is removing benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)- from the *Priority Testing List* because the PAIR rule did not provide any additional exposure information implying that benzenamine, 3-chloro-2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)- is not produced at greater than 1,000 pounds per site.

4. *Stannane, dimethylbis[(1-oxoneodecyl)oxy]-*. Stannane, dimethylbis[(1-oxoneodecyl)oxy]- (CAS No. 68928-76-7) was added to the *Priority Testing List* in the ITC's 49th Report to obtain use, exposure, environmental fate, health effects, and ecological effects data (Ref. 13). Stannane, dimethylbis[(1-oxoneodecyl)oxy]- was added to the *Priority Testing List* because it has an estimated BCF of 8,600 and signs of toxicity, including neurotoxic effects that were observed in a rat oral gavage study (Ref. 13).

In response to the ITC's request, the EPA added stannane, dimethylbis[(1-oxoneodecyl)oxy]- to the June 11, 2003 PAIR rule (Ref. 4) and the May 4, 2004 TSCA section 8(d) HaSDR rule (Ref. 5). No information was submitted in response to the HaSDR rule. The ITC is removing stannane, dimethylbis[(1-oxoneodecyl)oxy]- from the *Priority Testing List* because the information submitted in response to the PAIR rule suggested that the production/importation volumes of stannane, dimethylbis[(1-oxoneodecyl)oxy]- were not greater than the 10,000–500,000 pounds of non-CBI production/importation volumes reported to the EPA in 2002 (<http://www.epa.gov/oppt/iur/iur02/index.htm>).

5. *Benzene, 1,3,5-tribromo-2-(2-propenyloxy)-*. Benzene, 1,3,5-tribromo-2-(2-propenyloxy)- (CAS No. 3278-89-5) was added to the *Priority Testing List* in the ITC's 50th Report to obtain use, exposure, environmental fate, health effects, and ecological effects data (Ref. 14). Benzene, 1,3,5-tribromo-2-(2-propenyloxy)- was added to the *Priority Testing List* because of an estimated BCF of 4,000 and potential for exposure from its use as a flame retardant for expanded polystyrene insulation board (Ref. 14).

In response to the ITC's request, the EPA added benzene, 1,3,5-tribromo-2-(2-

propenyloxy)- to the June 11, 2003 PAIR rule (Ref. 4) and the May 4, 2004 TSCA section 8(d) HaSDR rule (Ref. 5). Information submitted in response to the HaSDR rule indicated that the concentrated chemical may be slightly irritating to the skin. The ITC is removing benzene, 1,3,5-tribromo-2-(2-propenyloxy)- from the *Priority Testing List* because the information submitted in response to the PAIR rule suggested that the production/importation volumes of benzene, 1,3,5-tribromo-2-(2-propenyloxy)- were not greater than 10,000–500,000 pounds of non-CBI production/importation volumes reported to the EPA in 2002 (<http://www.epa.gov/oppt/iur/iur02/index.htm>).

6. *1-Triazene, 1,3-diphenyl-*. 1-Triazene, 1,3-diphenyl- (aka diazoaminobenzene (CAS No. 136-35-6) was added to the *Priority Testing List* in the ITC's 50th Report to obtain annual production/importation volumes and trends, use, exposure, and health effects data (Ref. 14). 1-Triazene, 1,3-diphenyl- was added to the *Priority Testing List* because it is a predicted carcinogen based on its metabolism and similarity in toxic effects to benzene and aniline (Ref. 14).

In response to the ITC's request, the EPA added 1-triazene, 1,3-diphenyl- to the June 11, 2003 PAIR rule (Ref. 4) and the May 4, 2004 TSCA section 8(d) HaSDR rule (Ref. 5). No information was submitted in response to the PAIR or HaSDR rules. The ITC is removing 1-triazene, 1,3-diphenyl- from the *Priority Testing List* because the PAIR rule did not provide any additional exposure information implying that 1-triazene, 1,3-diphenyl- is not produced at greater than 1,000 pounds per site.

V. References

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Rule. **Federal Register** (65 FR 81658, December 26, 2000) (FRL-6758-4). Available online at: <http://www.epa.gov/fedrgstr/>.

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11. EPA. 2000. Preliminary Assessment Information Reporting; Addition of Certain Chemicals. Final Rule. **Federal Register** (65 FR 45535, July 24, 2000) (FRL-6597-3). Available online at: <http://www.epa.gov/fedrgstr/>.

12. ITC. 2001. Forty-Eighth Report of the ITC. **Federal Register** (66 FR 51276, October 5, 2001) (FRL-6786-7). Available online at: <http://www.epa.gov/fedrgstr/>.

13. ITC. 2002. Forty-Ninth Report of the ITC. **Federal Register** (67 FR 10298, March 6, 2002) (FRL-6820-8). Available online at: <http://www.epa.gov/fedrgstr/>.

14. ITC. 2002. Fiftieth Report of the ITC. **Federal Register** (67 FR 49530, July 30, 2002) (FRL-7183-7). Available online at: <http://www.epa.gov/fedrgstr/>.

VI. The TSCA Interagency Testing Committee

Statutory Organizations and Their Representatives

Council on Environmental Quality
Vacant

Department of Commerce

National Institute of Standards and Technology

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Peter Barker, Alternate

National Oceanographic and Atmospheric Administration

Thomas P. O'Connor, Member, Chair
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APPENDIX A—CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBER (CAS NO.), TSCA INVENTORY NAMES AND PREVIOUS TSCA SECTION 8(D) RULE SUNSET DATES OF HPV ORPHAN CHEMICALS FOR WHICH THE ITC IS REQUESTING THAT THE EPA ADD TO TSCA SECTION 8(A) AND 8(D) RULES

CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
62-56-6	Thiourea	
74-97-5	Methane, bromochloro-	6/1/1997
75-34-3	Ethane, 1,1-dichloro-	6/1/1997
75-46-7	Methane, trifluoro-	
77-76-9	Propane, 2,2-dimethoxy-	
81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	
81-16-3	1-Naphthalenesulfonic acid, 2-amino-	
81-84-5	1H,3H-Naphtho[1,8-cd]pyran-1,3-dione	6/30/1998
83-41-0	Benzene, 1,2-dimethyl-3-nitro-	
84-69-5	1,2-Benzenedicarboxylic acid, bis(2-methylpropyl) ester	10/4/1992
85-40-5	1H-Isoindole-1,3(2H)-dione, 3a,4,7,7a-tetrahydro-	
90-43-7	[1,1'-Biphenyl]-2-ol	
91-68-9	Phenol, 3-(diethylamino)-	
94-75-7	Acetic acid, (2,4-dichlorophenoxy)-	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
94-96-2	1,3-Hexanediol, 2-ethyl-	
95-94-3	Benzene, 1,2,4,5-tetrachloro-	10/4/1992
96-22-0	3-Pentanone	
96-23-1	2-Propanol, 1,3-dichloro-	
97-00-7	Benzene, 1-chloro-2,4-dinitro-	
98-09-9	Benzenesulfonyl chloride	
98-16-8	Benzenamine, 3-(trifluoromethyl)-	
98-56-6	Benzene, 1-chloro-4-(trifluoromethyl)-	4/29/1993
99-51-4	Benzene, 1,2-dimethyl-4-nitro-	
100-64-1	Cyclohexanone, oxime	
101-34-8	9-Octadecenoic acid, 12-(acetyloxy)-, 1,2,3-propanetriyl ester, (9Z,9'Z,9''Z,12R,12'R,12''R)-	
104-66-5	Benzene, 1,1'-[1,2-ethanediylbis(oxy)]bis-	
104-93-8	Benzene, 1-methoxy-4-methyl-	
107-39-1	1-Pentene, 2,4,4-trimethyl-	
107-40-4	2-Pentene, 2,4,4-trimethyl-	
107-45-9	2-Pentanamine, 2,4,4-trimethyl-	
110-18-9	1,2-Ethanediamine, N,N,N',N'-tetramethyl-	
110-33-8	Hexanedioic acid, dihexyl ester	
111-44-4	Ethane, 1,1'-oxybis[2-chloro-	
111-85-3	Octane, 1-chloro-	
111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-	
118-90-1	Benzoic acid, 2-methyl-	
119-33-5	Phenol, 4-methyl-2-nitro-	6/30/1998
121-69-7	Benzenamine, N,N-dimethyl-	6/30/1998
121-82-4	1,3,5-Triazine, hexahydro-1,3,5-trinitro-	
124-63-0	Methanesulfonyl chloride	
127-68-4	Benzenesulfonic acid, 3-nitro-, sodium salt	
131-57-7	Methanone, (2-hydroxy-4-methoxyphenyl)phenyl-	
137-20-2	Ethanesulfonic acid, 2-[methyl[(9Z)-1-oxo-9-octadecenyl]amino]-, sodium salt	12/28/1994
138-25-0	1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester	
139-40-2	1,3,5-Triazine-2,4-diamine, 6-chloro-N,N'-bis(1-methylethyl)-	
140-08-9	Ethanol, 2-chloro-, phosphite (3:1)	
140-93-2	Carbonodithioic acid, O-(1-methylethyl) ester, sodium salt	
142-73-4	Glycine, N-(carboxymethyl)-	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
150–50–5	Phosphorotriethioic acid, tributyl ester	
307–35–7	1-Octanesulfonyl fluoride, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-	
330–54–1	Urea, N'-(3,4-dichlorophenyl)-N,N-dimethyl-	
460–00–4	Benzene, 1-bromo-4-fluoro-	
506–51–4	1-Tetracosanol	
506–52–5	1-Hexacosanol	
513–74–6	Carbamodithioic acid, monoammonium salt	
515–40–2	Benzene, (2-chloro-1,1-dimethylethyl)-	
529–33–9	1-Naphthalenol, 1,2,3,4-tetrahydro-	
529–34–0	1(2H)-Naphthalenone, 3,4-dihydro-	
542–75–6	1-Propene, 1,3-dichloro-	
542–92–7	1,3-Cyclopentadiene	6/30/1998
557–61–9	1-Octacosanol	
563–72–4	Ethanedioic acid, calcium salt (1:1)	
579–66–8	Benzenamine, 2,6-diethyl-	
590–19–2	1,2-Butadiene	
592–45–0	1,4-Hexadiene	
597–31–9	Propanal, 3-hydroxy-2,2-dimethyl-	6/30/1998
598–72–1	Propanoic acid, 2-bromo-	
617–94–7	Benzenemethanol, .alpha.,.alpha.-dimethyl-	
625–55–8	Formic acid, 1-methylethyl ester	
628–13–7	Pyridine, hydrochloride	
628–96–6	1,2-Ethandiol, dinitrate	
645–62–5	2-Hexenal, 2-ethyl-	
693–07–2	Ethane, 1-chloro-2-(ethylthio)-	
693–95–8	Thiazole, 4-methyl-	
756–80–9	Phosphorodithioic acid, O,O-dimethyl ester	
870–72–4	Methanesulfonic acid, hydroxy-, monosodium salt	
928–72–3	Glycine, N-(carboxymethyl)-, disodium salt	
939–97–9	Benzaldehyde, 4-(1,1-dimethylethyl)-	11/9/1993
1000–82–4	Urea, (hydroxymethyl)-	7/1/1993
1002–69–3	Decane, 1-chloro-	
1111–78–0	Carbamic acid, monoammonium salt	
1115–20–4	Propanoic acid, 3-hydroxy-2,2-dimethyl-, 3-hydroxy-2,2-dimethylpropyl ester	
1401–55–4	Tannins	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
1445-45-0	Ethane, 1,1,1-trimethoxy-	
1459-93-4	1,3-Benzenedicarboxylic acid, dimethyl ester	
1498-51-7	Phosphorodichloridic acid, ethyl ester	11/9/1993
1558-33-4	Silane, dichloro(chloromethyl)methyl-	
1646-75-9	Propanal, 2-methyl-2-(methylthio)-, oxime	
1691-99-2	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-N-(2-hydroxyethyl)-	
1738-25-6	Propanenitrile, 3-(dimethylamino)-	
1912-24-9	1,3,5-Triazine-2,4-diamine, 6-chloro-N-ethyl-N'-(1-methylethyl)-	
1918-02-1	2-Pyridinecarboxylic acid, 4-amino-3,5,6-trichloro-	
1929-82-4	Pyridine, 2-chloro-6-(trichloromethyl)-	
2152-64-9	Benzenamine, N-phenyl-4-[[4-(phenylamino)phenyl][4-(phenylimino)-2,5-cyclohexadien-1-ylidene]methyl]-, monohydrochloride	
2210-79-9	Oxirane, [(2-methylphenoxy)methyl]-	10/4/1992
2372-45-4	1-Butanol, sodium salt	
2409-55-4	Phenol, 2-(1,1-dimethylethyl)-4-methyl-	
2425-54-9	Tetradecane, 1-chloro-	
2494-89-5	Ethanol, 2-[(4-aminophenyl)sulfonyl]-, hydrogen sulfate (ester)	
2524-03-0	Phosphorochloridithioic acid, O,O-dimethyl ester	
2611-00-9	3-Cyclohexene-1-carboxylic acid, 3-cyclohexen-1-ylmethyl ester	
2691-41-0	1,3,5,7-Tetrazocine, octahydro-1,3,5,7-tetranitro-	
2702-72-9	Acetic acid, (2,4-dichlorophenoxy)-, sodium salt	
2814-20-2	4(1H)-Pyrimidinone, 6-methyl-2-(1-methylethyl)-	
2905-62-6	Benzoyl chloride, 3,5-dichloro-	
2915-53-9	2-Butenedioic acid (2Z)-, dioctyl ester	
3039-83-6	Ethanesulfonic acid, sodium salt	
3088-31-1	Ethanol, 2-[2-(dodecyloxy)ethoxy]-, hydrogen sulfate, sodium salt	
3132-99-8	Benzaldehyde, 3-bromo-	6/30/1998
3338-24-7	Phosphorodithioic acid, O,O-diethyl ester, sodium salt	
3386-33-2	Octadecane, 1-chloro-	
3586-14-9	Benzene, 1-methyl-3-phenoxy-	6/30/1998
3710-84-7	Ethanamine, N-ethyl-N-hydroxy-	
3779-63-3	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris(6-isocyanatohexyl)-	
3965-55-7	1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt	
4035-89-6	Imidodicarbonic diamide, N,N',2-tris(6-isocyanatohexyl)-	11/9/1993
4080-31-3	3,5,7-Triaza-1-azoniatricyclo[3.3.1.1 ^{3,7}]decane, 1-(3-chloro-2-propenyl)-, chloride	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
4170–30–3	2-Butenal	
4300–97–4	Propanoyl chloride, 3-chloro-2,2-dimethyl-	
4316–73–8	Glycine, N-methyl-, monosodium salt	
4860–03–1	Hexadecane, 1-chloro-	
5026–74–4	Oxiranemethanamine, N-[4-(oxiranylmethoxy)phenyl]-N- (oxiranylmethyl)-	
5216–25–1	Benzene, 1-chloro-4-(trichloromethyl)-	
5460–09–3	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-, monosodium salt	
5915–41–3	1,3,5-Triazine-2,4-diamine, 6-chloro-N-(1,1-dimethylethyl)-N'-ethyl-	
6473–13–8	2-Naphthalenesulfonic acid, 6-[(2,4-diaminophenyl)azo]-3-[[4-[[4-[[7-[(2,4-diaminophenyl)azo]-1-hydroxy-3-sulfo-2-naphthalenyl]azo]phenyl]amino]-3-sulfo-phenyl]azo]-4-hydroxy-, trisodium salt	
6863–58–7	Butane, 2,2'-oxybis-	
6865–35–6	Octadecanoic acid, barium salt	
7320–37–8	Oxirane, tetradecyl-	10/40/1992
7446–81–3	2-Propenoic acid, sodium salt	
7795–95–1	1-Octanesulfonyl chloride	
8001–58–9	Creosote	
10265–69–7	Glycine, N-phenyl-, monosodium salt	
13749–94–5	Ethanimidothioic acid, N-hydroxy-, methyl ester	6/30/1998
13826–35–2	Benzenemethanol, 3-phenoxy-	
14143–60–3	2-Pyridinecarbonitrile, 4-amino-3,5,6-trichloro-	
14666–94–5	9-Octadecenoic acid (9Z)-, cobalt salt	
17103–31–0	Urea, sulfate (2:1)	
17321–47–0	Phosphoramidothioic acid, O,O-dimethyl ester	
17976–43–1	2,4,6,8,3,5,7-Benzotetraoxatriplumbacycloundecin-3,5,7-triylidene, 1,9-dihydro-1,9-dioxo-	
19438–61–0	1,3-Isobenzofurandione, 5-methyl-	
19525–59–8	Glycine, N-phenyl-, monopotassium salt	
20068–02–4	2-Butenenitrile, 2-methyl-, (2Z)-	
20227–53–6	Phosphorous acid, 2-(1,1-dimethylethyl)-4-[1-[3-(1,1-dimethylethyl)-4-hydroxyphenyl]-1-methylethyl]phenyl bis(4-nonylphenyl) ester	
20469–71–0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)	
21351–39–3	Urea, sulfate (1:1)	
22527–63–5	Propanoic acid, 2-methyl-, 3-(benzoyloxy)-2,2,4-trimethylpentyl ester	
24448–09–7	1-Octanesulfonamide, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptafluoro-N-(2-hydroxyethyl)-N-methyl-	
24615–84–7	2-Propenoic acid, 2-carboxyethyl ester	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
24794–58–9	Formic acid, compd. with 2,2',2''-nitritotris[ethanol] (1:1)	
25154–38–5	Piperazineethanol	
25168–05–2	Benzene, chloromethyl-	
25168–06–3	Phenol, (1-methylethyl)-	11/9/1993
25321–41–9	Benzenesulfonic acid, dimethyl-	
25383–99–7	Octadecanoic acid, 2-(1-carboxyethoxy)-1-methyl-2-oxoethyl ester, sodium salt	
25586–42–9	Phosphorous acid, tris(methylphenyl) ester	
25646–71–3	Methanesulfonamide, N-[2-[(4-amino-3-methylphenyl)ethylamino]ethyl]-, sulfate (2:3)	
26377–29–7	Phosphorodithioic acid, O,O-dimethyl ester, sodium salt	
26401–27–4	Phosphorous acid, isooctyl diphenyl ester	
26680–54–6	2,5-Furandione, dihydro-3-(octenyl)-	
27193–28–8	Phenol, (1,1,3,3-tetramethylbutyl)-	6/30/1998
28106–30–1	Benzene, ethenylethyl-	
28188–24–1	Octadecanoic acid, 2-(hydroxymethyl)-2-[[[(1-oxooctadecyl)oxy]methyl]-1,3-propanediyl ester	
28777–98–2	2,5-Furandione, dihydro-3-(octadecenyl)-	
28908–00–1	Benzothiazole, 2-[(chloromethyl)thio]-	
30574–97–1	2-Butenenitrile, 2-methyl-, (2E)-	
32072–96–1	2,5-Furandione, 3-(hexadecenyl)dihydro-	
33509–43–2	1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-	
34689–46–8	Phenol, methyl-, sodium salt	
35203–06–6	Benzenamine, 2-ethyl-6-methyl-N-methylene-	
35203–08–8	Benzenamine, 2,6-diethyl-N-methylene-	
37439–34–2	2(1H)-Pyridinone, 3,5,6-trichloro-, sodium salt	
37734–45–5	Carbonochloridothioic acid, S-(phenylmethyl) ester	
37764–25–3	Acetamide, 2,2-dichloro-N,N-di-2-propenyl-	
38185–06–7	Benzenesulfonic acid, 4-chloro-3,5-dinitro-, potassium salt	
38321–18–5	Ethanol, 2-(2-butoxyethoxy)-, sodium salt	
39515–51–0	Benzaldehyde, 3-phenoxy-	6/30/1998
40630–63–5	1-Octanesulfonyl fluoride	
40876–98–0	Butanedioic acid, oxo-, diethyl ester, ion(1-), sodium	
51632–16–7	Benzene, 1-(bromomethyl)-3-phenoxy-	6/30/1998
52184–19–7	Phenol, 2,4-bis(1,1-dimethylpropyl)-6-[(2-nitrophenyl)azo]-	
52556–42–0	1-Propanesulfonic acid, 2-hydroxy-3-(2-propenyloxy)-, monosodium salt	
52663–57–7	Ethanol, 2-butoxy-, sodium salt	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
56038-89-2	Benzenamine, N-(1-ethylpropyl)-3,5-dimethyl-	
56803-37-3	Phosphoric acid, (1,1-dimethylethyl)phenyl diphenyl ester	10/4/1992
57693-14-8	Chromate(3-), bis[3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-7-nitro-1-naphthalenesulfonato(3-)], trisodium	
61788-76-9	Alkanes, chloro	
61789-32-0	Fatty acids, coco, 2-sulfoethyl esters, sodium salts	
61789-85-3	Sulfonic acids, petroleum	
63302-49-8	Phosphorochloridous acid, bis(4-nonylphenyl) ester	
64742-24-1	Sludges (petroleum), acid	
64743-02-8	Alkenes, C>10 .alpha.-	
64743-03-9	Phenols (petroleum)	
64771-71-7	Paraffins (petroleum), normal C>10	
65996-79-4	Solvent naphtha (coal)	
65996-80-7	Ammonia liquor (coal)	
65996-81-8	Fuel gases, coke-oven	
65996-82-9	Tar oils, coal	
65996-83-0	Extracts, coal tar oil alk.	
65996-86-3	Extract oils (coal), tar base	
65996-87-4	Extract residues (coal), tar oil alk.	
65996-89-6	Tar, coal, high-temp.	
65996-91-0	Distillates (coal tar), upper	
65996-92-1	Distillates (coal tar)	
66071-94-1	Corn, steep liquor	
68081-86-7	Phenol, nonyl derivs.	
68082-78-0	Lard, oil, Me esters	
68153-60-6	Fatty acids, tall-oil, reaction products with diethylenetriamine, acetates	
68187-41-7	Phosphorodithioic acid, O,O-di-C1-14-alkyl esters	
68187-57-5	Pitch, coal tar-petroleum	
68187-59-7	Coal, anthracite, calcined	
68188-18-1	Paraffin oils, chlorosulfonated, saponified	
68308-74-7	Amides, tall-oil fatty, N,N-di-Me	
68309-16-0	Fatty acids, tall-oil, 2-(2-hydroxyethoxy)ethyl esters	
68309-27-3	Fatty acids, tall-oil, sulfonated, sodium salts	
68334-01-0	Disulfides, alkylaryl dialkyl diaryl, petroleum refinery spent caustic oxidn. products	
68441-66-7	Decanoic acid, mixed esters with dipentaerythritol, octanoic acid and valeric acid	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
68442-60-4	Acetaldehyde, reaction products with formaldehyde, by-products from	
68442-77-3	2-Butenediamide, (2E)-, N,N'-bis[2-(4,5-dihydro-2-nortall-oil alkyl-1H-imidazol-1-yl)ethyl] derivs.	
68476-80-2	Fats and Glyceridic oils, vegetable, deodorizer distillates	
68478-20-6	Residues (petroleum), steam-cracked petroleum distillates cyclopentadiene conc., C4-cyclopentadiene-free	
68512-63-0	Benzene, ethenyl-, distn. residues	
68513-62-2	Disulfides, C5-12-alkyl	
68514-41-0	Ketones, C12-branched	
68515-89-9	Barium, carbonate nonylphenol complexes	
68584-25-8	Benzenesulfonic acid, C10-16-alkyl derivs., compds. with triethanolamine	
68602-81-3	Distillates, hydrocarbon resin prodn. higher boiling	
68603-84-9	Carboxylic acids, C5-9	
68608-59-3	Ethane, 1,2-dichloro-, manuf. of, by-products from, distn. lights	
68609-05-2	Cyclohexane, oxidized, non-acidic by-products, distn. lights	
68610-90-2	2-Butenedioic acid (2E)-, di-C8-18-alkyl esters	
68649-42-3	Phosphorodithioic acid, O,O-di-C1-14-alkyl esters	
68650-36-2	Aromatic hydrocarbons, C8, o-xylene-lean	
68782-97-8	Distillates (petroleum), hydrofined lubricating-oil	
68815-50-9	Octadecanoic acid, reaction products with 2-[(2-aminoethyl)amino]ethanol	
68909-77-3	Ethanol, 2,2'-oxybis-, reaction products with ammonia, morpholine derivs. residues	
68915-05-9	Fatty acids, tall-oil, low-boiling, reaction products with ammonia-ethanolamine reaction by-products	
68915-39-9	Cyclohexane, oxidized, aq. ext., sodium salt	
68918-16-1	Tar, coal, dried and oxidized	
68919-17-5	Hydrocarbons, C12-20, catalytic alkylation by-products	
68920-64-9	Disulfides, di-C1-2-alkyl	
68937-29-1	1,6-Hexanediol, distn. residues	
68937-69-9	Carboxylic acids, C6-18 and C5-15-di-	
68937-70-2	Carboxylic acids, C6-18 and C8-15-di-	
68937-72-4	Carboxylic acids, di-, C4-11	
68953-70-8	Oxirane, reaction products with ammonia, distn. residues	
68953-80-0	Benzene, mixed with toluene, dealkylation product	
68955-37-3	Acid chlorides, tallow, hydrogenated	
68955-76-0	Aromatic hydrocarbons, C9-16, biphenyl deriv.-rich	
68955-96-4	Disulfides, dialkyl and di-Ph, naphtha sweetening	

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CAS No.	TSCA Inventory Name	Previous TSCA section 8(d) rule sunset date
68987-41-7	Benzene, ethylenated	
68987-66-6	Ethene, hydrated, by-products from	
68988-22-7	1,4-Benzenedicarboxylic acid, dimethyl ester, manuf. of, by-products from	
68988-99-8	Phenols, sodium salts, mixed with sulfur compounds, gasoline alk. scrubber residues	
68990-61-4	Tar, coal, high-temp., high-solids	
68990-65-8	Fats and Glyceridic oils, vegetable, reclaimed	
70024-67-8	Benzenesulfonic acid, C16-24-alkyl derives.	
70084-98-9	Terpenes and Terpenoids, C10-30, distn. residues	
70693-50-4	Phenol, 2,4-bis(1-methyl-1-phenylethyl)-6-[(2- nitrophenyl)azo]-	
70851-08-0	Amides, coco, N-[3-(dimethylamino)propyl], alkylation products with sodium 3-chloro-2-hydroxypropanesulfonate	
71077-05-9	Ethanol, 2,2'-oxybis-, reaction products with ammonia, morpholine product tower residues	
72162-28-8	2-Propanone, reaction products with phenol	
72854-27-4	Tannins, reaction products with sodium bisulfite, sodium polysulfide and sodium sulfite	
73665-18-6	Extract residues (coal), tar oil alk., naphthalene distn. residues	
83864-02-2	Nickel, bis[(cyano-C)triphenylborato(1-)-N]bis(hexanedinitrile-N,N')-	
84501-86-0	Hexanedioic acid, esters with high-boiling C6-10-alkene hydroformylation products	
90640-80-5	Anthracene oil	
90640-86-1	Distillates (coal tar), heavy oils	
119345-02-7	Benzene, 1,1'-oxybis-, tetrapropylene derivs.	
125997-20-8	Phosphoric acid, mixed 3-bromo-2,2-dimethylpropyl and 2-bromoethyl and 2-chloroethyl esters	

[FR Doc. 05-2714 Filed 2-10-05; 8:45 am]

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Airworthiness directives: Airbus; published 1-7-05
Boeing; published 1-7-05
Rolls-Royce plc; published 1-27-05

RULES GOING INTO EFFECT FEBRUARY 13, 2005**HOMELAND SECURITY DEPARTMENT****Coast Guard**

Drawbridge operations:

Louisiana; published 1-13-05

HOMELAND SECURITY DEPARTMENT Transportation Security Administration

Civil aviation security:

Enhanced security procedures for certain airports' operations in the Washington, DC metropolitan area flight restricted zone; published 2-10-05

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Cotton classing, testing and standards:

Classification services to growers; 2004 user fees; Open for comments until further notice; published 5-28-04 [FR 04-12138]

Pears (winter) grown in—

Oregon and Washington; comments due by 2-14-05; published 1-13-05 [FR 05-00579]

AGRICULTURE DEPARTMENT**Agricultural Research Service**

National Arboretum; conduct rules and fee schedule; comments due by 2-18-05; published 12-20-04 [FR 04-27394]

COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration

Endangered and threatened species:

Critical habitat designations—
Pacific salmon and steelhead; comments due by 2-14-05; published 12-14-04 [FR 04-26682]

Fishery conservation and management: Northeastern United States fisheries—

Monkfish; comments due by 2-14-05; published 1-14-05 [FR 05-00755]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Semi-annual agenda; Open for comments until further notice; published 12-22-03 [FR 03-25121]

DEFENSE DEPARTMENT Army Department

Law enforcement and criminal investigations:

Military police investigations; comments due by 2-14-05; published 12-16-04 [FR 04-27569]

DEFENSE DEPARTMENT

Acquisition regulations:

Pilot Mentor-Protege Program; Open for comments until further notice; published 12-15-04 [FR 04-27351]

Task and delivery order contracts; contract period; comments due by 2-14-05; published 12-15-04 [FR 04-27346]

EDUCATION DEPARTMENT

Elementary and secondary education:

Troops-to-Teachers Program; selection criteria; comments due by 2-14-05; published 1-14-05 [FR 05-00861]

ENERGY DEPARTMENT

Meetings:

Environmental Management Site-Specific Advisory Board—

Oak Ridge Reservation, TN; Open for comments until further notice; published 11-19-04 [FR 04-25693]

ENERGY DEPARTMENT**Energy Efficiency and Renewable Energy Office**

Commercial and industrial equipment; energy efficiency program:

Test procedures and efficiency standards—
Commercial packaged boilers; Open for comments until further notice; published 10-21-04 [FR 04-17730]

ENERGY DEPARTMENT**Federal Energy Regulatory Commission**

Electric rate and corporate regulation filings:

Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

Natural gas companies (Natural Gas Act):

Interstate natural gas pipelines; business practices standards; comments due by 2-18-05; published 1-4-05 [FR 05-00017]

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Leather finishing operations; comments due by 2-17-

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Air quality implementation plans; approval and promulgation; various States:

Ohio; comments due by 2-18-05; published 1-19-05 [FR 05-01032]

Environmental statements; availability, etc.:

Coastal nonpoint pollution control program—

Minnesota and Texas; Open for comments until further notice; published 10-16-03 [FR 03-26087]

Water pollution control:

National Pollutant Discharge Elimination System—

Concentrated animal feeding operations in New Mexico and Oklahoma; general permit for discharges; Open for comments until further notice; published 12-7-04 [FR 04-26817]

National Pollutant Discharge Elimination System (NPDES)—

Storm water discharges for oil and gas construction activity disturbing 1 to 5 acres of land; postponement; comments due by 2-17-05; published 1-18-05 [FR 05-00930]

Water pollution; effluent guidelines for point source categories:

Meat and poultry products processing facilities; Open for comments until further notice; published 9-8-04 [FR 04-12017]

FEDERAL**COMMUNICATIONS COMMISSION**

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FEDERAL TRADE COMMISSION

Children's online privacy protection rule; personal information collection, use, or disclosure; parental consent; comments due by

2-14-05; published 1-14-05
[FR 05-00877]

GOVERNMENT ACCOUNTABILITY OFFICE

Practice and procedure:

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comments due by 2-18-
05; published 12-20-04
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HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

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antimicrobial new animal
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bacteria of human health
concern; Open for
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[FR 03-27113]

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Class II special
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04 [FR 04-19179]

HOMELAND SECURITY DEPARTMENT

Coast Guard

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Maryland; Open for
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[FR 04-00749]

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12-15-04 [FR 04-27472]

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17-04 [FR 04-27675]

New York; comments due
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15-04 [FR 04-27470]

Virginia; comments due by
2-14-05; published 12-30-
04 [FR 04-28548]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

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Multifamily accelerated
processing; lender quality
assurance enforcement;
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Mortgage and loan insurance programs:

Federal Housing
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Public and Indian housing:

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public housing projects;
comments due by 2-14-
05; published 12-15-04
[FR 04-27206]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened
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Recovery plans—

Paiute cutthroat trout;
Open for comments
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published 9-10-04 [FR
04-20517]

Endangered and threatened
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Critical habitat designations—

Coachella Valley milk-
vetch; comments due
by 2-14-05; published
12-14-04 [FR 04-26690]

Western snowy plover;
Pacific Coast
population; comments
due by 2-15-05;
published 12-17-04 [FR
04-26877]

Migratory bird hunting:

Alaska; spring/summer
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2-18-05; published 12-20-
04 [FR 04-27776]

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL

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outsourcing procedures;
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published 12-16-04 [FR 04-
27488]

INTERIOR DEPARTMENT

National Indian Gaming Commission

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Minimum internal control
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by 2-18-05; published 1-
11-05 [FR 05-00448]

NUCLEAR REGULATORY COMMISSION

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Open for comments until
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5-10-04 [FR 04-10516]

SECURITIES AND EXCHANGE COMMISSION

Securities:

Securities offerings
(Regulation M); anti-
manipulation rules;
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05; published 12-17-04
[FR 04-27434]

SMALL BUSINESS ADMINISTRATION

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until further notice;
published 2-17-04 [FR 04-
03374]

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Trade Representative, Office of United States

Generalized System of Preferences:

2003 Annual Product
Review, 2002 Annual
Country Practices Review,
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product decisions;
petitions disposition; Open
for comments until further
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[FR 04-15361]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 2-
18-05; published 1-19-05
[FR 05-00993]

BAE Systems (Operations)
Ltd.; comments due by 2-
18-05; published 1-19-05
[FR 05-00994]

Boeing; comments due by
2-17-05; published 1-3-05
[FR 04-28667]

Bombardier; comments due
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20-04 [FR 04-27507]

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AMSAFE, Inc.; Mooney
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05-00973]

Class E airspace; comments
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12-30-04 [FR 04-28555]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety
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TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

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12-15-04 [FR 04-27423]

TREASURY DEPARTMENT Internal Revenue Service

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16-04 [FR 04-25237]

TREASURY DEPARTMENT United States Mint

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05; published 1-12-05 [FR
05-00543]

TREASURY DEPARTMENT

Terrorism Risk Insurance
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Additional claims issues;
insurer affiliations;
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05; published 1-18-05 [FR
05-00925]

LIST OF PUBLIC LAWS

This is the first in a continuing
list of public bills from the
current session of Congress
which have become Federal
laws. It may be used in
conjunction with "PLUS"
(Public Laws Update Service)
on 202-741-6043. This list is
also available online at [http://
www.archives.gov/
federal_register/public_laws/
public_laws.html](http://www.archives.gov/federal_register/public_laws/public_laws.html).

A cumulative List of Public
Laws for the second session
of the 108th Congress will
appear in the issue of January
31, 2005.

The text of laws is not
published in the **Federal
Register** but may be ordered
in "slip law" (individual
pamphlet) form from the
Superintendent of Documents,
U.S. Government Printing
Office, Washington, DC 20402
(phone, 202-512-1808). The
text will also be made
available on the Internet from
GPO Access at [http://
www.gpoaccess.gov/plaws/
index.html](http://www.gpoaccess.gov/plaws/index.html). Some laws may
not yet be available.

H.R. 241/P.L. 109-1

To accelerate the income tax
benefits for charitable cash

contributions for the relief of victims of the Indian Ocean tsunami. (Jan. 7, 2005; 119 Stat. 3)

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